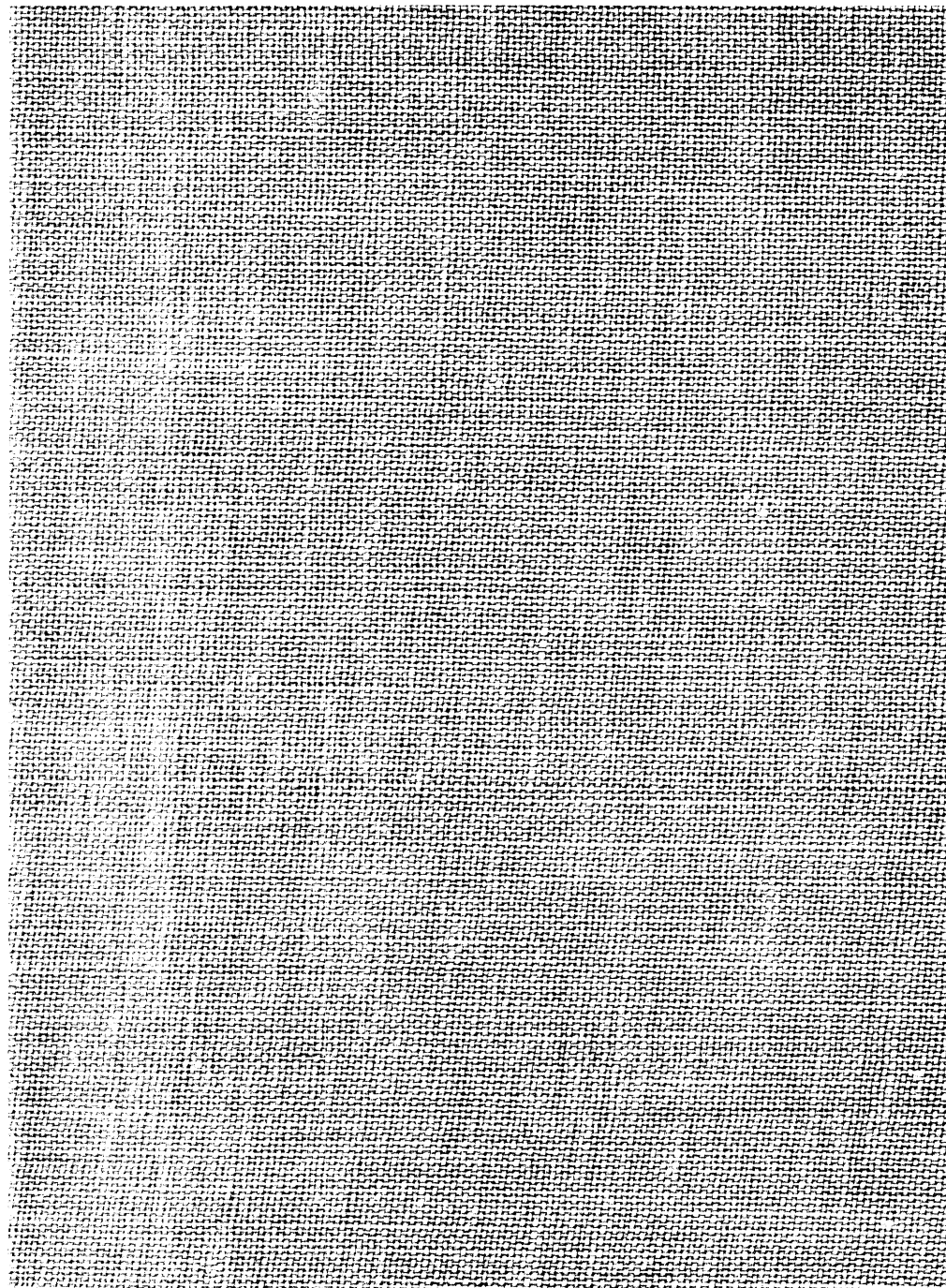




SOCIALISM.

Sevi D. Barlow
Detroit

BY

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PRELIMINARY NOTICE.

IT was in the year 1869 that, impressed with the degree in which, even during the last twenty years, when the world seemed so wholly occupied with other matters, the socialist ideas of speculative thinkers had spread among the workers in every civilized country, Mr. Mill formed the design of writing a book on Socialism. Convinced that the inevitable tendencies of modern society must be to bring the questions involved in it always more and more to the front, he thought it of great practical consequence that they should be thoroughly and impartially considered, and the lines pointed out by which the best speculatively-tested theories might, without prolongation of suffering on the one hand, or unnecessary disturbance on the other, be applied to the existing order of things. He

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ten years of the Reform Act of 1832, few continued to think either that it would remove every important practical grievance, or that it had opened the door to universal suffrage. But five-and-twenty years more of its operation had given scope for a large development of its indirect working, which is much more momentous than the direct. Sudden effects in history are generally superficial. Causes which go deep down into the roots of future events produce the most serious parts of their effect only slowly, and have, therefore, time to become a part of the familiar order of things before general attention is called to the changes they are producing; since, when the changes do become evident, they are often not seen, by cursory observers, to be in any peculiar manner connected with the cause. The remoter consequences of a new political fact are seldom understood when they occur, except when they have been appreciated beforehand.

This timely appreciation is particularly easy in respect to tendencies of the change made in our institutions by the Reform Act of 1867.

The great increase of electoral power which the Act places within the reach of the working classes is permanent. The circumstances which have caused them, thus far, to make a very limited use of that power, are essentially temporary. It is known even to the most inobservant, that the working classes have, and are likely to have, political objects which concern them as working classes, and on which they believe, rightly or wrongly, that the interests and opinions of the other powerful classes are opposed to theirs. However much their pursuit of these objects may be for the present retarded by want of electoral organization, by dissensions among themselves, or by their not having reduced as yet their wishes into a sufficiently definite practical shape, it is as certain as anything in politics can be, that they will before long find the means of making their collective electoral power effectively instrumental to the proportion of their collective objects. And when they do so, it will not be in the disorderly and ineffective way which belongs to a people not habitu-

ated to the use of legal and constitutional machinery, nor will it be by the impulse of a mere instinct of levelling. The instruments will be the press, public meetings and associations, and the return to Parliament of the greatest possible number of persons pledged to the political aims of the working classes. The political aims will themselves be determined by definite political doctrines ; for politics are now scientifically studied from the point of view of the working classes, and opinions conceived in the special interest of those classes are organized into systems and creeds which lay claim to a place on the platform of political philosophy, by the same right as the systems elaborated by previous thinkers. It is of the utmost importance that all reflecting persons should take into early consideration what these popular political creeds are likely to be, and that every single article of them should be brought under the fullest light of investigation and discussion, so that, if possible, when the time shall be ripe, whatever is right in them may be adopted, and what is wrong

rejected by general consent, and that instead of a hostile conflict, physical or only moral, between the old and the new, the best parts of both may be combined in a renovated social fabric. At the ordinary pace of those great social changes which are not effected by physical violence, we have before us an interval of about a generation, on the due employment of which it depends whether the accommodation of social institutions to the altered state of human society, shall be the work of wise foresight, or of a conflict of opposite prejudices. The future of mankind will be gravely imperilled, if great questions are left to be fought over between ignorant change and ignorant opposition to change.

And the discussion that is now required is one that must go down to the very first principles of existing society. The fundamental doctrines which were assumed as incontestable by former generations, are now put again on their trial. Until the present age, the institution of property in the shape in which it has been handed down from the past, had not, except by a few specula-

tive writers, been brought seriously into question, because the conflicts of the past have always been conflicts between classes, both of which had a stake in the existing constitution of property. It will not be possible to go on longer in this manner. When the discussion includes classes who have next to no property of their own, and are only interested in the institution so far as it is a public benefit, they will not allow anything to be taken for granted—certainly not the principle of private property, the legitimacy and utility of which are denied by many of the reasoners who look out from the stand-point of the working classes. Those classes will certainly demand that the subject, in all its parts, shall be reconsidered from the foundation; that all proposals for doing without the institution, and all modes of modifying it which have the appearance of being favorable to the interest of the working classes, shall receive the fullest consideration and discussion before it is decided that the subject must remain as it is. As far as this country is concerned, the disposi-

tions of the working classes have as yet manifested themselves hostile only to certain outlying portions of the proprietary system. Many of them desire to withdraw questions of wages from the freedom of contract, which is one of the ordinary attributions of private property. The more aspiring of them deny that land is a proper subject for private appropriation, and have commenced an agitation for its resumption by the State. With this is combined, in the speeches of some of the agitators, a denunciation of what they term usury, but without any definition of what they mean by the name; and the cry does not seem to be of home origin, but to have been caught up from the intercourse which has recently commenced through the Labor Congresses and the International Society, with the continental Socialists who object to all interest on money, and deny the legitimacy of deriving an income in any form from property apart from labor. This doctrine does not as yet show signs of being widely prevalent in Great Britain, but the soil is well prepared to receive the seeds of

this description which are widely scattered from those foreign countries where large, general theories, and schemes of vast promise, instead of inspiring distrust, are essential to the popularity of a cause. It is in France, Germany, and Switzerland that anti-property doctrines in the widest sense have drawn large bodies of working men to rally round them. In these countries nearly all those who aim at reforming society in the interest of the working classes profess themselves Socialists, a designation under which schemes of very diverse character are comprehended and confounded, but which implies at least a remodelling generally approaching to abolition of the institution of private property. And it would probably be found that even in England the more prominent and active leaders of the working classes are usually in their private creed Socialists of one order or another, though being, like most English politicians, better aware than their Continental brethren that great and permanent changes in the fundamental ideas of mankind are not to be accom-

plished by a *coup de main*, they direct their practical efforts towards ends which seem within easier reach, and are content to hold back all extreme theories until there has been experience of the operation of the same principles on a partial scale. While such continues to be the character of the English working classes, as it is of Englishmen in general, they are not likely to rush headlong into the reckless extremities of some of the foreign Socialists, who, even in sober Switzerland, proclaim themselves content to begin by simple subversion, leaving the subsequent reconstruction to take care of itself; and by subversion, they mean not only the annihilation of all government, but getting all property of all kinds out of the hands of the possessors to be used for the general benefit; but in what mode it will, they say, be time enough afterwards to decide.

The avowal of this doctrine by a public newspaper, the organ of an association (*La Solidarite* published at Neuchatel), is one of the most curious signs of the times. The leaders of the English working-men—whose delegates at the

congresses of Geneva and Bale contributed much the greatest part of such practical common sense as was shown there—are not likely to begin deliberately by anarchy, without having formed any opinion as to what form of society should be established in the room of the old. But it is evident that whatever they do propose can only be properly judged, and the grounds of the judgment made convincing to the general mind, on the basis of a previous survey of the two rival theories, that of private property and that of Socialism, one or other of which must necessarily furnish most of the premises in the discussion. Before, therefore, we can usefully discuss this class of questions in detail, it will be advisable to examine from their foundations the general question raised by Socialism. And this examination should be made without any hostile prejudice. However irrefutable the arguments in favor of the laws of property may appear to those to whom they have the double prestige of immemorial custom and of personal interest, nothing is more natural than that a working

man who has begun to speculate on politics, should regard them in a very different light. Having, after long struggles, attained in some countries, and nearly attained in others, the point at which for them, at least, there is no further progress to make in the department of purely political rights, is it possible that the less fortunate classes among the "adult males" should not ask themselves whether progress ought to stop there? Notwithstanding all that has been done, and all that seems likely to be done, in the extension of franchises, a few are born to great riches, and the many to a penury, made only more grating by contrast. No longer enslaved or made dependent by force of law, the great majority are so by force of poverty; they are still chained to a place, to an occupation, and to conformity with the will of an employer, and debarred by the accident of birth both from the enjoyments, and from the mental and moral advantages, which others inherit without exertion and independently of desert. That this is an evil equal to almost any of those against which

mankind have hitherto struggled, the poor are not wrong in believing. Is it a necessary evil? They are told so by those who do not feel it—by those who have gained the prizes in the lottery of life. But it was also said that slavery, that despotism, that all the privileges of oligarchy were necessary. All the successive steps that have been made by the poorer classes, partly won from the better feelings of the powerful, partly extorted from their fears, and partly bought with money, or attained in exchange for support given to one section of the powerful in its quarrels with another, had the strongest prejudices opposed to them beforehand; but their acquisition was a sign of power gained by the subordinate classes, a means to those classes of acquiring more; it consequently drew to those classes a certain share of the respect accorded to power, and produced a corresponding modification in the creed of society respecting them; whatever advantages they succeeded in acquiring came to be considered their due, while, of those which they had not yet attained, they

continued to be deemed unworthy. The classes, therefore, which the system of society makes subordinate, have little reason to put faith in any of the maxims which the same system of society may have established as principles. Considering that the opinions of mankind have been found so wonderfully flexible, have always tended to consecrate existing facts, and to declare what did not yet exist, either pernicious or impracticable, what assurance have those classes that the distinction of rich and poor is grounded on a more imperative necessity than those other ancient and long-established facts, which, having been abolished, are now condemned even by those who formerly profited by them? This cannot be taken on the word of an interested party. The working classes are entitled to claim that the whole field of social institutions should be re-examined, and every question considered as if it now arose for the first time; with the idea constantly in view that the persons who are to be convinced are not those who owe their ease and importance to the present

system, but persons who have no other interest in the matter than abstract justice and the general good of the community. It should be the object to ascertain what institutions of property would be established by an unprejudiced legislator, absolutely impartial between the possessors of property and the non-possessors; and to defend and to justify them by the reasons which would really influence such a legislator, and not by such as have the appearance of being got up to make out a case for what already exists. Such rights or privileges of property as will not stand this test will, sooner or later, have to be given up. An impartial hearing ought, moreover, to be given to all objections against property itself. All evils and inconveniences attaching to the institution in its best form ought to be frankly admitted, and the best remedies or palliatives applied which human intelligence is able to devise. And all plans proposed by social reformers, under whatever name designated, for the purpose of attaining the benefits aimed at by the institution of property without its inconveni-

ences, should be examined with the same candor, not prejudged as absurd or impracticable.

SOCIALIST OBJECTIONS TO THE PRESENT ORDER OF SOCIETY.

As in all proposals for change there are two elements to be considered—that which is to be changed, and that which it is to be changed to—so in Socialism considered generally, and in each of its varieties taken separately, there are two parts to be distinguished, the one negative and critical, the other constructive. There is, first, the judgment of Socialism on existing institutions and practices and on their results; and secondly, the various plans which it has propounded for doing better. In the former all the different schools of Socialism are at one. They agree almost to identity in the faults which they find with the economical order of existing society. Up to a certain point also they entertain the same general conception of the remedy to be provided for those faults; but in the details, notwithstanding this general agreement, there is a

wide disparity. It will be both natural and convenient, in attempting an estimate of their doctrines, to begin with the negative portion which is common to them all, and to postpone all mention of their differences until we arrive at that second part of their undertaking, in which alone they seriously differ.

This first part of our task is by no means difficult; since it consists only in an enumeration of existing evils. Of these there is no scarcity, and most of them are by no means obscure or mysterious. Many of them are the veriest commonplaces of moralists, though the roots even of these lie deeper than moralists usually attempt to penetrate. So various are they that the only difficulty is to make any approach to an exhaustive catalogue. We shall content ourselves for the present with mentioning a few of the principal. And let one thing be remembered by the reader. When item after item of the enumeration passes before him, and he finds one fact after another which he has been accustomed to include among the necessities of nature urged

as an accusation against social institutions, he is not entitled to cry unfairness, and to protest that the evils complained of are inherent in Man and Society, and are such as no arrangements can remedy. To assert this would be to beg the very question at issue. No one is more ready than Socialists to admit—they affirm it indeed much more decidedly than truth warrants—that the evils they complain of are irremediable in the present constitution of society. They propose to consider whether some other form of society may be devised which would not be liable to those evils, or would be liable to them in a much less degree. Those who object to the present order of society, considered as a whole and who accept as an alternative the possibility of a total change, have a right to set down all the evils which at present exist in society as part of their case, whether these are apparently attributable to social arrangements or not, provided they do not flow from physical laws which human power is not adequate, or human knowledge has not yet learned, to counteract. Moral evils

and such physical evils as would be remedied if all persons did as they ought, are fairly chargeable against the state of society which admits of them; and are valid as arguments until it is shown that any other state of society would involve an equal or greater amount of such evils. In the opinion of Socialists, the present arrangements of society in respect to Property and the Production and Distribution of Wealth, are as means to the general good, a total failure. They say that there is an enormous mass of evil which these arrangements do not succeed in preventing; that the good, either moral or physical, which they realize is wretchedly small compared with the amount of exertion employed, and that even this small amount of good is brought about by means which are full of pernicious consequences, moral and physical.

First among existing social evils may be mentioned the evil of Poverty. The institution of Property is upheld and commended principally as being the means by which labor and frugality are insured their reward, and mankind enabled

to emerge from indigence. It may be so ; most Socialists allow that it has been so in earlier periods of history. But if the institution can do nothing more or better in this respect than it has hitherto done, its capabilities, they affirm, are very insignificant. What proportion of the population, in the most civilized countries of Europe, enjoy in their own persons anything worth naming of the benefits of property ? It may be said, that but for property in the hands of their employers they would be without daily bread ; but, though this be conceded, at least their daily bread is all that they have ; and that often in insufficient quantity ; almost always of inferior quality ; and with no assurance of continuing to have it at all ; an immense proportion of the industrious classes being at some period or other of their lives (and all being liable to become) dependent, at least temporarily, on legal or voluntary charity. Any attempt to depict the miseries of indigence, or to estimate the proportion of mankind who in the most advanced countries are habitually given up during their

whole existence to its physical and moral sufferings, would be superfluous here. This may be left to philanthropists, who have painted these miseries in colors sufficiently strong. Suffice it to say that the condition of numbers in civilized Europe, and even in England and France, is more wretched than that of most tribes of savages who are known to us.

It may be said that of this hard lot no one has any reason to complain, because it befalls those only who are outstripped by others, from inferiority of energy or of prudence. This, even were it true, would be a very small alleviation of the evil. If some Nero or Domitian was to require a hundred persons to run a race for their lives, on condition that the fifty or twenty who came in hindmost should be put to death, it would not be any diminution of the injustice that the strongest or nimblest would, except through some untoward accident, be certain to escape. The misery and the crime would be that they were put to death at all. So in the economy of society; if there be any who suffer physical privation or

moral degradation, whose bodily necessities are either not satisfied or satisfied in a manner which only brutish creatures can be content with, this, though not necessarily the crime of society, is *pro tanto* a failure of the social arrangements. And to assert as a mitigation of the evil that those who thus suffer are the weaker members of the community, morally or physically, is to add insult to misfortune. Is weakness a justification of suffering? Is it not, on the contrary, an irresistible claim upon every human being for protection against suffering? If the minds and feelings of the prosperous were in a right state, would they accept their prosperity if for the sake of it even one person near them was, for any other cause than voluntary fault, excluded from obtaining a desirable existence?

One thing there is, which if it could be affirmed truly, would relieve social institutions from any share in the responsibility of these evils. Since the human race has no means of enjoyable existence, or of existence at all, but what it derives from its own labor and abstin-

ence, there would be no ground for complaint against society if every one who was willing to undergo a fair share of this labor and abstinence could attain a fair share of the fruits. But is this the fact? Is it not the reverse of the fact? The reward, instead of being proportioned to the labor and abstinence of the individual, is almost in an inverse ratio to it: those who receive the least, labor and abstain the most. Even the idle, reckless, and ill-conducted poor, those who are said with most justice to have themselves to blame for their condition, often undergo much more and severer labor, not only than those who are born to pecuniary independence, but than almost any of the more highly remunerated of those who earn their subsistence; and even the inadequate self-control exercised by the industrious poor costs them more sacrifice and more effort than is almost ever required from the more favored members of society. The very idea of distributive justice, or of any proportionality between success and merit, or between success and exertion, is in the present state of society so mani-

festly chimerical as to be relegated to the regions of romance. It is true that the lot of individuals is not wholly independent of their virtue and intelligence; these do really tell in their favor, but far less than many other things in which there is no merit at all. The most powerful of all the determining circumstances is birth. The great majority are what they were born to be. Some are born rich without work, others are born to a position in which they can become rich *by* work, the great majority are born to hard work and poverty throughout life, numbers to indigence. Next to birth the chief cause of success in life is accident and opportunity. When a person not born to riches succeeds in acquiring them, his own industry and dexterity have generally contributed to the result; but industry and dexterity would not have sufficed unless there had been also a concurrence of occasions and chances which falls to the lot of only a small number. If persons are helped in their worldly career by their virtues, so are they, and perhaps quite as often, by their vices: by

servility and sycophancy, by hard-hearted and close-fisted selfishness, by the permitted lies and tricks of trade, by gambling speculations, not seldom by downright knavery. Energies and talents are of much more avail for success in life than virtues ; but if one man succeeds by employing energy and talent in something generally useful, another thrives by exercising the same qualities in out-generalling and ruining a rival. It is as much as any moralist ventures to assert, that, other circumstances being given, honesty is the best policy, and that with parity of advantages an honest person has a better chance than a rogue. Even this in many stations and circumstances of life is questionable ; anything more than this is out of the question. It cannot be pretended that honesty, as a means of success, tells for as much as a difference of one single step on the social ladder. The connection between fortune and conduct is mainly this, that there is a degree of bad conduct, or rather of some kinds of bad conduct, which suffices to ruin any amount of good fortune ; but the converse is not true : in

the situation of most people no degree whatever of good conduct can be counted upon for raising them in the world, without the aid of fortunate accidents.

These evils, then—great poverty, and that poverty very little connected with desert—are the first grand failure of the existing arrangements of society. The second is human misconduct; crime, vice, and folly, with all the sufferings which follow in their train. For, nearly all the forms of misconduct, whether committed towards ourselves or towards others, may be traced to one of three causes: Poverty and its temptations in the many; Idleness and *desœuvrement* in the few whose circumstances do not compel them to work; bad education, or want of education, in both. The first two must be allowed to be at least failures in the social arrangements, the last is now almost universally admitted to be the fault of those arrangements—it may almost be said the crime. I am speaking loosely and in the rough, for a minuter analysis of the sources of faults of character and errors of conduct

would establish far more conclusively the filiation which connects them with a defective organization of society, though it would also show the reciprocal dependence of that faulty state of society on a backward state of the human mind.

At this point, in the enumeration of the evils of society, the mere levellers of former times usually stopped ; but their more far-sighted successors, the present Socialists, go farther. In their eyes the very foundation of human life as at present constituted, the very principle on which the production and repartition of all material products is now carried on, is essentially vicious and anti-social. It is the principle of individualism, competition, each one for himself and against all the rest. It is grounded on opposition of interests, not harmony of interests, and under it every one is required to find his place by a struggle, by pushing others back or being pushed back by them. Socialists consider this system of private war (as it may be termed) between every one and every one, especially

fatal in an economical point of view and in a moral. Morally considered, its evils are obvious. It is the parent of envy, hatred, and all uncharitableness; it makes every one the natural enemy of all others who cross his path, and every one's path is constantly liable to be crossed. Under the present system hardly any one can gain except by the loss or disappointment of one or of many others. In a well-constituted community every one would be a gainer by every other person's successful exertions; while now we gain by each other's loss and lose by each other's gain, and our greatest gains come from the worst source of all, from death, the death of those who are nearest and should be dearest to us. In its purely economical operation the principle of individual competition receives as unqualified condemnation from the social reformers as in its moral. In the competition of laborers they see the cause of low wages; in the competition of producers the cause of ruin and bankruptcy; and both evils, they affirm, tend constantly to increase as population and wealth make pro-

gress ; no person (they conceive) being benefited except the great proprietors of land, the holders of fixed money incomes, and a few great capitalists, whose wealth is gradually enabling them to undersell all other producers, to absorb the whole of the operations of industry into their own sphere, to drive from the market all employers of labor except themselves, and to convert the laborers into a kind of slaves or serfs, dependent on them for the means of support, and compelled to accept these on such terms as they choose to offer. Society, in short, is travelling onward, according to these speculators, towards a new feudality, that of the great capitalists.

As I shall have ample opportunity in future chapters to state my own opinion on these topics, and on many others connected with and subordinate to them, I shall now, without further preamble, exhibit the opinions of distinguished Socialists on the present arrangements of society, in a selection of passages from their published writings. For the present I desire to be considered as a mere reporter of the opinions of

others. Hereafter it will appear how much of what I cite agrees or differs with my own sentiments.

The clearest, the most compact, and the most precise and specific statement of the case of the Socialists generally against the existing order of society in the economical department of human affairs, is to be found in the little work of M. Louis Blanc, *Organisation du Travail*. My first extracts, therefore, on this part of the subject, shall be taken from that treatise.

“Competition is for the people a system of extermination. Is the poor man a member of society, or an enemy to it? We ask for an answer.

“All around him he finds the soil preoccupied. Can he cultivate the earth for himself? No; for the right of the first occupant has become a right of property. Can he gather the fruits which the hand of God ripens on the path of man? No; for, like the soil, the fruits have been *appropriated*. Can he hunt or fish? No; for that is a right which is dependent upon the government. Can he draw water from a spring enclosed in a field? No; for the proprietor of the field is, in virtue of his right to the field,

proprietor of the fountain. Can he, dying of hunger and thirst, stretch out his hands for the charity of his fellow-creatures? No; for there are laws against begging. Can he, exhausted by fatigue and without a refuge, lie down to sleep upon the pavement of the streets? No; for there are laws against vagabondage. Can he, flying from the cruel native land where everything is denied him, seek the means of living far from the place where life was given him? No; for it is not permitted to change your country except on certain conditions which the poor man cannot fulfil.

“What, then, can the unhappy man do? He will say, ‘I have hands to work with, I have intelligence, I have youth, I have strength; take all this, and in return give me a morsel of bread.’ This is what the working-men do say. But even here the poor man may be answered, ‘I have no work to give you.’ What is he to do then?”

* * * * *

“What is competition from the point of view of the workman? It is work put up to auction. A contractor wants a workman: three present themselves.—How much for your work?—Half-a-crown; I have a wife and children.—Well; and how much for yours?—Two shillings: I have no children, but I have a wife.—Very well; and now how much for you?—One and eightpence are enough for me; I am single. Then you shall

have the work. It is done; the bargain is struck. And what are the other two workmen to do? It is to be hoped they will die quietly of hunger. But what if they take to thieving? Never fear; we have the police. To murder? We have got the hangman. As for the lucky one, his triumph is only temporary. Let a fourth workman make his appearance, strong enough to fast every other day, and his price will run down still lower; then there will be a new outcast, a new recruit for the prison perhaps!

“Will it be said that these melancholy results are exaggerated; that at all events they are only possible when there is not work enough for the hands that seek employment? But I ask, in answer, Does the principle of competition contain, by chance, within itself any method by which this murderous disproportion is to be avoided? If one branch of industry is in want of hands, who can answer for it that, in the confusion created by universal competition, another is not overstocked? And if, out of thirty-four millions of men, twenty are really reduced to theft for a living, this would suffice to condemn the principle.

“But who is so blind as not to see that under the system of unlimited competition, the continual fall of wages is no exceptional circumstance, but a necessary and general fact? Has the population a limit which it cannot exceed? Is

it possible for us to say to industry—industry, given up to the accidents of individual egotism and fertile in ruin—can we say, ‘Thus far shalt thou go, and no farther?’ The population increases constantly: tell the poor mother to become sterile, and blaspheme the God who made her fruitful, for if you do not, the lists will soon become too narrow for the combatants. A machine is invented: command it to be broken, and anathematize science, for if you do not, the thousand workmen whom the new machine deprives of work will knock at the door of the neighboring workshop, and lower the wages of their companions. Thus systematic lowering of wages, ending in the driving out of a certain number of workmen, is the inevitable effect of unlimited competition. It is an industrial system by means of which the working-classes are forced to exterminate one another.”

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“If there is an undoubted fact, it is that the increase of population is much more rapid among the poor than among the rich. According to the *Statistics of European Population*, the births at Paris are only one-thirty-second of the population in the rich quarters, while in the others they rise to one-twenty-sixth. This disproportion is a general fact, and M. de Sismondi, in his work on Political Economy, has explained it by the impossibility for the workmen of hopeful pru-

dence. Those only who feel themselves assured of the morrow can regulate the number of their children according to their income; he who lives from day to day is under the yoke of a mysterious fatality, to which he sacrifices his children as he was sacrificed to it himself. It is true the workhouses exist, menacing society with an inundation of beggars—what way is there of escaping from the cause? It is clear that any society where the means of subsistence increase less rapidly than the numbers of the population, is a society on the brink of an abyss. Competition produces destitution; this is a fact shown by statistics. Destitution is fearfully prolific; this is shown by statistics. The fruitfulness of the poor throws upon society unhappy creatures who have need of work and cannot find it; this is shown by statistics. At this point society is reduced to a choice between killing the poor or maintaining them gratuitously—between atrocity or folly.”*

So much for the poor. We now pass to the middle classes.

“According to the political economists of the school of Adam Smith and Leon Say, *cheapness* is the word in which may be summed up the

* See Louis Blanc, “Organisation du Travail,” 4me edition, pp. 6, 11, 53, 57.

advantages of unlimited competition. But why persist in considering the effect of cheapness with a view only to the momentary advantage of the consumer? Cheapness is advantageous to the consumer at the cost of introducing the seeds of ruinous anarchy among the producers. Cheapness is, so to speak, the hammer with which the rich among the producers crush their poorer rivals. Cheapness is the trap into which the daring speculators entice the hard-workers. Cheapness is the sentence of death to the producer on a small scale who has no money to invest in the purchase of machinery that his rich rivals can easily procure. Cheapness is the great instrument in the hands of monopoly; it absorbs the small manufacturer, the small shopkeeper, the small proprietor; it is, in one word, the destruction of the middle classes for the advantage of a few industrial oligarchs.

Ought we, then, to consider cheapness as a curse? No one would attempt to maintain such an absurdity. But it is the specialty of wrong principles to turn good into evil and to corrupt all things. Under the system of competition cheapness is only a provisional and fallacious advantage. It is maintained only so long as there is a struggle; no sooner have the rich competitors driven out their poorer rivals than prices rise. Competition leads to monopoly, for the same reason cheapness leads to high prices.

Thus, what has been made use of as a weapon in the contest between the producers, sooner or later becomes a cause of impoverishment among the consumers. And if to this cause we add the others we have already enumerated, first among which must be ranked the inordinate increase of the population, we shall be compelled to recognize the impoverishment of the mass of the consumers as a direct consequence of competition.

“But, on the other hand, this very competition which tends to dry up the sources of demand, urges production to over-supply. The confusion produced by the universal struggle prevents each producer from knowing the state of the market. He must work in the dark, and trust to chance for a sale. Why should he check the supply, especially as he can throw any loss on the workman whose wages are so pre-eminently liable to rise and fall? Even when production is carried on at a loss the manufacturers still often carry it on, because they will not let their machinery, &c., stand idle, or risk the loss of raw material, or lose their customers; and because productive industry as carried on under the competitive system being nothing else than a game of chance, the gambler will not lose his chance of a lucky stroke.

“Thus, and we cannot too often insist upon it, competition necessarily tends to increase supply and to diminish consumption; its tendency

therefore is precisely the opposite of what is sought by economic science; hence it is not merely oppressive but foolish as well."

* * * * *

"And in all this, in order to avoid dwelling on truths which have become commonplaces, and sound declamatory from their very truth, we have said nothing of the frightful moral corruption which industry, organized, or more properly speaking, disorganized, as it is at the present day, has introduced among the middle classes. Everything has become venal, and competition invades even the domain of thought.

"The factory crushing the workshop; the showy establishment absorbing the humble shop; the artisan who is his own master replaced by the day-laborer; cultivation by the plow superseding that by the spade, and bringing the poor man's field under disgraceful homage to the money-lender; bankruptcies multiplied; manufacturing industry transformed by the ill-regulated extension of credit into a system of gambling where no one, not even the rogue, can be sure of winning; in short a vast confusion calculated to arouse jealousy, mistrust, and hatred, and to stifle, little by little, all generous aspirations, all faith, self-sacrifice, and poetry—such is the hideous but only too faithful picture of the

results obtained by the application of the principle of competition.”*

The Fourierists, through their principal organ, *M. Considérant*, enumerate the evils of the existing civilisation in the following order :—

1. It employs an enormous quantity of labor and of human power unproductively, or in the work of destruction.

“In the first place there is the army, which in France, as in all other countries, absorbs the healthiest and strongest men, a large number of the most talented and intelligent, and a considerable part of the public revenue. . . . The existing state of society develops in its impure atmosphere innumerable outcasts, whose labor is not merely unproductive, but actually destructive: adventurers, prostitutes, people with no acknowledged means of living, beggars, convicts, swindlers, thieves, and others whose numbers tend rather to increase than to diminish. . . .

“To the list of unproductive labor fostered by our state of Society must be added that of the judicature and of the bar, of the courts of law and magistrates, the police, jailers, executioners, &c.,—functions indispensable to the state of society as it is.

* See Louis Blanc, “*Organisation du Travail*,” pp. 58—61, 65—66, 4me édition. Paris, 1845.

“Also people of what is called ‘good society’; those who pass their lives in doing nothing; idlers of all ranks.

“Also the numberless custom-house officials, tax-gatherers, bailiffs, excise-men; in short, all that army of men which overlooks, brings to account, takes, but produces nothing.

“Also the labors of sophists, philosophers, metaphysicians, political men, working in mistaken directions, who do nothing to advance science, and produce nothing but disturbance and sterile discussions; the verbiage of advocates, pleaders, witnesses, &c.

“And finally all the operations of commerce, from those of the bankers and brokers, down to those of the grocer behind his counter.”*

Secondly, they assert that even the industry and powers which in the present system are devoted to production, do not produce more than a small portion of what they might produce if better employed and directed:—

“Who with any good-will and reflection will not see how much the want of coherence—the disorder, the want of combination, the parcelling out of labor and leaving it wholly to individual action without any organization, without any

* See Considerant, “*Destinee Sociale*,” tome i. pp. 35, 36, 37, 3me ed. Paris, 1848.

large or general views—are causes which limit the possibilities of production, and destroy, or at least waste, our means of action? Does not disorder give birth to poverty, as order and good management give birth to riches? Is not want of combination a source of weakness, as combination is a source of strength? And who can say that industry, whether agricultural, domestic, manufacturing, scientific, artistic, or commercial, is organized at the present day either in the state or in municipalities? Who can say that all the work which is carried on in any of these departments is executed in subordination to any general views, or with foresight, economy, and order? Or, again, who can say that it is possible in our present state of society to develop, by a good education, all the faculties bestowed by nature on each of its members; to employ each one in functions which he would like, which he would be the most capable of, and which, therefore, he could carry on with the greatest advantage to himself and to others? Has it even been so much as attempted to solve the problems presented by varieties of character so as to regulate and harmonize the varieties of employments in accordance with natural aptitudes? Alas! The Utopia of the most ardent philanthropists is to teach reading and writing to twenty-five millions of the French people! And in the present state

of things we may defy them to succeed even in that !

“ And is it not a strange spectacle, too, and one which cries out in condemnation of us, to see this state of society where the soil is badly cultivated, and sometimes not cultivated at all ; where man is ill lodged, ill clothed, and yet where whole masses are continually in need of work and pining in misery because they cannot find it ! Of a truth we are forced to acknowledge that if the nations are poor and starving it is not because nature has denied the means of producing wealth, but because of the anarchy and disorder in our employment of those means ; in other words, it is because society is wretchedly constituted and labor unorganized.

“ But this is not all, and you will have but a faint conception of the evil if you do not consider that to all these vices of society, which dry up the sources of wealth and prosperity, must be added the struggle, the discord, the war, in short under many names and many forms which society cherishes and cultivates between the individuals that compose it. These struggles and discords correspond to radical oppositions—deep-seated antinomies between the various interests. Exactly in so far as you are able to establish classes and categories within the nation ; in so far, also, you will have opposition of interests and internal warfare either avowed or secret, even if you

take into consideration the industrial system only.”*

One of the leading ideas of this school is the wastefulness and at the same time the immorality of the existing arrangements for distributing the produce of the country among the various consumers, the enormous superfluity in point of number of the agents of distribution, the merchants, dealers, shopkeepers and their innumerable employés, and the depraving character of such a distribution of occupations.

“It is evident that the interest of the trader is opposed to that of the consumer and of the producer. Has he not bought cheap and undervalued as much as possible in all his dealings with the producer, the very same article which, vaunting its excellence, he sells to you as dear as he can? Thus the interest of the commercial body, collectively and individually, is contrary to that of the producer and of the consumer—that is to say, to the interest of the whole body of society.

* * * * *

“The trader is a go-between, who profits by the general anarchy and the non-organization of

* See “Destinee Sociale,” par V. Considerant, tome i. pp. 38--40.

industry. The trader buys up products, he buys up everything ; he owns and detains everything, in such sort that :—

“1stly. He holds both Production and Consumption *under his yoke*, because both must come to him either finally for the products to be consumed, or at first for the raw materials to be worked up. Commerce with all its methods of buying, and of raising and lowering prices, its innumerable devices, and its holding everything in the hands of *middle-men*, levies toll right and left ; it despotically gives the law to Production and Consumption, of which it ought to be only the subordinate.

“2ndly. It robs society by its *enormous profits* —profits levied upon the consumer and the producer, and altogether out of proportion to the services rendered, for which a twentieth of the persons actually employed would be sufficient.

“3rdly. It robs society by the subtraction of its productive forces ; taking off from productive labor nineteen-twentieths of the agents of trade who are mere parasites. Thus, not only does commerce rob society by appropriating an exorbitant share of the common wealth, but also by considerably diminishing the productive energy of the human beehive. The great majority of traders would return to productive work if a rational system of commercial organization were

substituted for the inextricable chaos of the present state of things.

“4thly. It robs society by the *adulteration* of products, pushed at the present day beyond all bounds. And in fact, if a hundred grocers establish themselves in a town where before there were only twenty, it is plain that people will not begin to consume five times as many groceries. Hereupon the hundred virtuous grocers have to dispute between them the profits which before were honestly made by the twenty; competition obliges them to make it up at the expense of the consumer, either by raising the prices as sometimes happens, or by adulterating the goods as always happens. In such a state of things there is an end to good faith. Inferior or adulterated goods are sold for articles of good quality whenever the credulous customer is not too experienced to be deceived. And when the customer has been thoroughly imposed upon, the trading conscience consoles itself by saying, ‘I state my price; people can take or leave; no one is obliged to buy.’ The losses imposed on the consumers by the bad quality or the adulteration of goods are incalculable.

“5thly. It robs society by *accumulations*, artificial or not, in consequence of which vast quantities of goods, collected in one place, are damaged and destroyed for want of a sale. Fourier (*Th. des Quat. Mouv.*, p. 334, 1st ed.) says: ‘The

fundamental principle of the commercial systems, that of *leaving full liberty to the merchants*, gives them absolute right of property over the goods in which they deal; they have the right to withdraw them altogether, to withhold or even to burn them, as happened more than once with the Oriental Company of Amsterdam, which publicly burnt stores of cinnamon in order to raise the price. What it did with cinnamon it would have done with corn; but for the fear of being stoned by the populace, it would have burnt some corn in order to sell the rest at four times its value. Indeed, it actually is of daily occurrence in ports, for provisions of grains to be thrown into the sea because the merchants have allowed them to rot while waiting for a rise. I myself, when I was a clerk, have had to superintend these infamous proceedings, and in one day caused to be thrown into the sea some forty thousand bushels of rice, which might have been sold at a fair profit had the withholder been less greedy of gain. It is society that bears the cost of this waste, which takes place daily under shelter of the philosophical maxim of *full liberty for the merchants.*'

"6thly. Commerce robs society, moreover, by all the loss, damage, and waste that follows from the extreme scattering of products in millions of shops, and by the multiplication and complication of carriage.

“7thly. It robs society by shameless and unlimited *usury*—usury absolutely appalling. The trader carries on operations with fictitious capital, much higher in amount than his real capital. A trader with a capital of twelve hundred pounds will carry on operations, by means of bills and credit, on a scale of four, eight, or twelve thousand pounds. Thus he draws from capital *which he does not possess*, usurious interest, out of all proportion with the capital he actually owns.

“8thly. It robs society by innumerable *bankruptcies*, for the daily accidents of our commercial system, political events, and any kind of disturbance, must usher in a day when the trader, having incurred obligations beyond his means, is no longer able to meet them; his failure, whether fraudulent or not, must be a severe blow to his creditors. The bankruptcy of some entails that of others, so that bankruptcies follow one upon another, causing widespread ruin. And it is always the producer and the consumer who suffer; for commerce, considered as a whole, does not produce wealth, and invests very little in proportion to the wealth which passes through its hands. How many are the manufactures crushed by these blows! how many fertile sources of wealth dried up by these devices, with all their disastrous consequences!

“The producer furnishes the goods, the consumer the money. Trade furnishes credit,

founded on little or no actual capital, and the different members of the commercial body are in no way responsible for one another. This, in a few words, is the whole theory of the thing.

“9thly. Commerce robs society by the *independence* and *irresponsibility* which permits it to buy at the epochs when the producers are forced to sell and compete with one another, in order to procure money for their rent and necessary expenses of production. When the markets are overstocked and goods cheap, trade purchases. Then it creates a rise, and by this simple manœuvre despoils both producer and consumer.

“10thly. It robs society by a considerable *drawing off* of *capital*, which will return to productive industry when commerce plays its proper subordinate part, and is **only** an agency carrying on transactions between **the** producers (more or less distant) and the great centres of consumption—the communistic societies. Thus the capital engaged in the speculations of commerce (which, small as it is, compared to the immense wealth which passes through its hands, consists nevertheless of sums enormous in themselves), would return to stimulate production if commerce was deprived of the intermediate property in goods, and their distribution became a **matter** of administrative organization. Stock-jobbing is the most odious form of this vice of commerce.

"11thly. It robs society by the *monopolising* or buying up of raw materials. 'For' (says Fourier, Th. des Quat. Mouv., p. 359, 1st ed.), 'the rise in price on articles that are bought up, is borne ultimately by the consumer, although in the first place by the manufacturers, who, being obliged to keep up their establishments, must make pecuniary sacrifices, and manufacture at small profits in the hope of better days; and it is often long before they can repay themselves the rise in prices which the monopoliser has compelled them to support in the first instance. . . .'"

"In short, all these vices, besides many others which I omit, are multiplied by the extreme complication of mercantile affairs; for products do not pass once only through the greedy clutches of commerce; there are some which pass and re-pass twenty or thirty times before reaching the consumer. In the first place, the raw material passes through the grasp of commerce before reaching the manufacturer who first works it up; then it returns to commerce to be sent out again to be worked up in a second form; and so on until it receives its final shape. Then it passes into the hands of merchants, who sell to the wholesale dealers, and these to the great retail dealers of towns, and these again to the little dealers and to the country shops; and each time that it changes hands, it leaves something behind it.

" One of my friends who was lately exploring the Jura, where much working in metal is done, had occasion to enter the house of a peasant who was a manufacturer of shovels. He asked the price. ' Let us come to an understanding,' answered the poor laborer, not an economist at all, but a man of common sense; ' I sell them for 8*d.* to the trade, which retails them at 1*s.* 8*d.* in the towns. If you could find a means of opening a direct communication between the workman and the consumer, you might have them for 1*s.* 2*d.*, and we should each gain 6*d.* by the transaction.' " *

To a similar effect Owen, in the *Book of the New Moral World*, part 2, chap. iii.

" The principle now in practice is to induce a large portion of society to devote their lives to distribute wealth upon a large, a medium, and a small scale, and to have it conveyed from place to place in larger or smaller quantities, to meet the means and wants of various divisions of society and individuals, as they are now situated in cities, towns, villages, and country places. This principle of distribution makes a class in society whose business is to *buy from* some parties and to *sell to* others. By this proceeding they are placed under circumstances which in-

* See Considerant, "*Destinee Sociale*," tome i. pp. 43-51, 3me. edition, Paris, 1848.

duce them to endeavor to buy at what appears at the time a low price in the market, and to sell again at the greatest permanent profit which they can obtain. Their real object being to get as much profit as gain between the seller to, and the buyer from them, as can be effected in their transactions.

“There are innumerable errors in principle and evils in practice which necessarily proceed from this mode of distributing the wealth of society.

“1st. A general class of distributors is formed, whose interest is separated from, and apparently opposed to, that of the individual from whom they buy and to whom they sell.

“2nd. Three classes of distributors are made, the small, the medium, and the large buyers and sellers; or the retailers, the wholesale dealers, and the extensive merchants.

“3rd. Three classes of buyers thus created constitute the small, the medium, and the large purchasers.

“By this arrangement into various classes of buyers and sellers, the parties are easily trained to learn that they have separate and opposing interests, and different ranks and stations in society. An inequality of feeling and condition is thus created and maintained, with all the servility and pride which these unequal arrangements are sure to produce. The parties are regularly trained in a general system of deception,

in order that they may be the more successful in buying cheap and selling dear.

“The smaller sellers acquire habits of injurious idleness, waiting often for hours for customers. And this evil is experienced to a considerable extent even amongst the class of wholesale dealers.

“There are, also, by this arrangement, many more establishments for selling than are necessary in the villages, towns, and cities; and a very large capital is thus wasted without benefit to society. And from their number opposed to each other all over the country to obtain customers, they endeavor to undersell each other, and are therefore continually endeavoring to injure the producer by the establishment of what are called cheap shops and warehouses; and to support their character the master or his servants must be continually on the watch to buy bargains, that is, to procure wealth for less than the cost of its production.

“The distributors, small, medium, and large, have all to be supported by the producers, and the greater the number of the former compared with the latter, the greater will be the burden which the producer has to sustain; for as the number of distributors increases, the accumulation of wealth must decrease, and more must be required from the producer.

“The distributors of wealth, under the present

system, are a dead weight upon the producers, and are most active demoralisers of society. Their dependent condition, at the commencement of their task, teaches or induces them to be servile to their customers, and to continue to be so as long as they are accumulating wealth by their cheap buying and dear selling. But when they have secured sufficient to be what they imagine to be an independence—to live without business—they are too often filled with a most ignorant pride, and become insolent to their dependents.

“The arrangement is altogether a most improvident one for society, whose interest it is to produce the greatest amount of wealth of the best qualities ; while the existing system of distribution is not only to withdraw great numbers from producing to become distributors, but to add to the cost of the consumer all the expense of a most wasteful and extravagant distribution ; the distribution costing to the consumer many times the price of the original cost of the wealth purchased.

“Then, by the position in which the seller is placed by his created desire for gain on the one hand, and the competition he meets with from opponents selling similar productions on the other, he is strongly tempted to deteriorate the articles which he has for sale ; and when these are provisions, either of home production or of foreign importation, the effects upon the health,

and consequent comfort and happiness of the consumers, are often most injurious, and productive of much premature death, especially among the working classes, who, in this respect, are perhaps made to be the greatest sufferers, by purchasing the inferior or low-priced articles.

• • • • •

“The expense of thus distributing wealth in Great Britain and Ireland, including transit from place to place, and all the agents directly and indirectly engaged in this department, is, perhaps, little short of one hundred millions annually, without taking into consideration the deterioration of the quality of many of the articles constituting this wealth, by carriage, and by being divided into small quantities, and kept in improper stores and places, in which the atmosphere is unfavorable to the keeping of such articles in a tolerably good, and much less in the best, condition for use.”

In further illustration of the contrariety of interests between person and person, class and class, which pervades the present constitution of society, M. Considérant adds :—

“If the wine-growers wish for free trade, this freedom ruins the producer of corn, the manufacturers of iron, of cloth, of cotton, and—we are compelled to add—the smuggler and the customs’

officer. If it is the interest of the consumer that machines should be invented which lower prices by rendering production less costly, these same machines throw out of work thousands of workmen who do not know how to, and cannot at once, find other work. Here, then, again is one of the innumerable *vicious circles* of civilisation for there are a thousand facts which prove cumulatively that in our existing social system the introduction of any good brings always along with it some evil.

“In short, if we go lower down and come to vulgar details, we find that it is the interest of the tailor, the shoemaker, and the hatter that coats, shoes, and hats should be soon worn out; that the glazier profits by the hail-storms which break windows; that the mason and the architect profit by fires; the lawyer is enriched by law-suits; the doctor by disease; the wine-seller by drunkenness; the prostitute by debauchery. And what a disaster it would be for the judges, the police, and the jailers, as well as for the barristers and the solicitors, and all the lawyers’ clerks, if crimes, offences, and law-suits were all at once to come to an end!”*

The following is one of the cardinal points of this school:—

“Add to all this, that civilisation, which sows

* Considerant, “Destinee Sociale,” tome i., pp. 59, 60.

dissension and war on every side ; which employs a great part of its powers in unproductive labor or even in destruction ; which furthermore diminishes the public wealth by the unnecessary friction and discord it introduces into industry ; add to all this, I say, that this same social system has for its special characteristic to produce a repugnance for work—a disgust for labor.

“ Everywhere you hear the laborer, the artisan, the clerk complain of his position and his occupation, while they long for the time when they can retire from work imposed upon them by necessity. To be repugnant, to have for its motive and pivot nothing but the fear of starvation, is the great, the fatal, characteristic of civilised labor. The civilised workman is condemned to penal servitude. So long as productive labor is so organized that instead of being associated with pleasure it is associated with pain, weariness and dislike, it will always happen that all will avoid it who are able. With few exceptions, those only will consent to work who are compelled to it by want. Hence the most numerous classes, the artificers of social wealth, the active and direct creators of all comfort and luxury, will always be condemned to touch closely on poverty and hunger ; they will always be the slaves to ignorance and degradation ; they will continue to be always that huge herd of

mere beasts of burden whom we see ill-grown, decimated by disease, bowed down in the great workshop of society over the plow or over the counter, that they may prepare the delicate food, and the sumptuous enjoyments of the upper and idle classes.

“So long as no method of attractive labor has been devised, it will continue to be true that ‘there must be many poor in order that there may be a few rich;’ a mean and hateful saying, which we hear every day quoted as an eternal truth from the mouths of people who call themselves Christians or philosophers. It is very easy to understand that oppression, trickery, and especially poverty, are the permanent and fatal appanage of every state of society characterized by the dislike of work, for, in this case, there is nothing but poverty that will force men to labor. And the proof of this is, that if every one of all the workers were to become suddenly rich, nineteen-twentieths of all the work now done would be abandoned.”*

In the opinion of the Fourierists, the tendency of the present order of society is to a concentration of wealth in the hands of a comparatively few immensely rich individuals or companies, and the reduction of all the rest of the commun-

* Considerant, “Destinee Sociale,” tome i., pp. 60, 61.

ity into a complete dependence on them. This was termed by Fourier *la jeodalite industrielle*

"This feudalism," says M. Considérant, "would be constituted as soon as the largest part of the industrial and territorial property of the nation belongs to a minority which absorbs all its revenues, while the great majority, chained to the work-bench or laboring on the soil, must be content to gnaw the pittance which is cast to them."*

This disastrous result is to be brought about partly by the mere progress of competition, as sketched in our previous extract by M. Louis Blanc; assisted by the progress of national debts, which M. Considérant regards as mortgages of the whole land and capital of the country, of which "les capitalistes prêteurs" become, in a greater and greater measure, co-proprietors, receiving without labor or risk an increasing portion of the revenues.

* Considérant "Destinée Sociale," tome i., p. 134.



THE SOCIALIST OBJECTIONS TO THE PRESENT
ORDER OF SOCIETY EXAMINED.

It is impossible to deny that the considerations brought to notice in the preceding chapter make out a frightful case either against the existing order of society, or against the position of man himself in this world. How much of the evils should be referred to the one, and how much to the other, is the principal theoretic question which has to be resolved. But the strongest case is susceptible of exaggeration; and it will have been evident to many readers, even from the passages I have quoted, that such exaggeration is not wanting in the representations of the ablest and most candid Socialists. Though much of their allegations is unanswerable, not a little is the result of errors in political economy; by which, let me say once for all, I do not mean the rejection of any practical rules of policy which have been laid down by political economists, I mean ignorance of economic facts, and of the causes by which the economic

phenomena of society as it is, are actually determined.

IN the first place it is unhappily true that the wages of ordinary labor, in all the countries of Europe, are wretchedly insufficient to supply the physical and moral necessities of the population in any tolerable measure. But, when it is further alleged that even this insufficient remuneration has a tendency to diminish; that there is, in the words of M. Louis Blanc, *une baisse continue des salaires*; the assertion is in opposition to all accurate information, and to many notorious facts. It has yet to be proved that there is any country in the civilized world where the ordinary wages of labor, estimated either in money or in articles of consumption, are declining; while in many they are, on the whole, on the increase; and an increase which is becoming, not slower, but more rapid. There are, occasionally, branches of industry which are being gradually superseded by something else, and, in those, until production accommodates itself to demand, wages are depressed; which is an evil, but a

temporary one, and would admit of great alleviation even in the present system of social economy. A diminution thus produced of the reward of labor in some particular employment is the effect and the evidence of increased remuneration, or of a new source of remuneration, in some other ; the total and the average remuneration being undiminished, or even increased. To make out an appearance of diminution in the rate of wages in any leading branch of industry, it is always found necessary to compare some month or year of special and temporary depression at the present time, with the average rate, or even some exceptionally high rate, at an earlier time. The vicissitudes are no doubt a great evil, but they were as frequent and as severe in former periods of economical history as now. The greater scale of the transactions, and the greater number of persons involved in each fluctuation, may make the fluctuation appear greater, but though a larger population affords more sufferers, the evil does not weigh heavier on each of them individually. There is much evidence of improvement, and

none, that is at all trustworthy, of deterioration, in the mode of living of the laboring population of the countries of Europe; when there is any appearance to the contrary it is local or partial, and can always be traced either to the pressure of some temporary calamity, or to some bad law or unwise act of government which admits of being corrected, while the permanent causes all operate in the direction of improvement.

M. Louis Blanc, therefore, while showing himself much more enlightened than the older school of levellers and democrats, inasmuch as he recognizes the connection between low wages and the over-rapid increase of population, appears to have fallen into the same error which was at first committed by Malthus and his followers, that of supposing that because population has a greater power of increase than subsistence, its pressure upon subsistence must be always growing more severe. The difference is that the early Malthusians thought this an irrepressible tendency, while M. Louis Blanc thinks that it can

be repressed, but only under a system of Communism. It is a great point gained for truth when it comes to be seen that the tendency to over-population is a fact which Communism, as well as the existing order of society, would have to deal with. And it is much to be rejoiced at that this necessity is admitted by the most considerable chiefs of all existing schools of Socialism. Owen and Fourier, no less than M. Louis Blanc, admitted it, and claimed for their respective systems a pre-eminent power of dealing with this difficulty. However this may be, experience shows that in the existing state of society the pressure of population on subsistence, which is the principal cause of low wages, though a great, is not an increasing evil; on the contrary, the progress of all that is called civilization has a tendency to diminish it, partly by the more rapid increase of the means of employing and maintaining labor, partly by the increased facilities opened to labor for transporting itself to new countries and unoccupied fields of employment, and partly by a general improvement

in the intelligence and prudence of the population. This progress, no doubt, is slow ; but it is much that such progress should take place at all, while we are still only in the first stage of that public movement for the education of the whole people, which when more advanced must add greatly to the force of all the two causes of improvement specified above. It is, of course, open to discussion what form of society has the greatest power of dealing successfully with the pressure of population on subsistence, and on this question there is much to be said for Socialism ; what was long thought to be its weakest point will, perhaps, prove to be one of its strongest. But it has no just claim to be considered as the sole means of preventing the general and growing degradation of the mass of mankind through the peculiar tendency of poverty to produce overpopulation. Society as at present constituted is not descending into that abyss, but gradually, though slowly, rising out of it, and this improvement is likely to be progressive if bad laws do not interfere with it.

Next, it must be observed that Socialists generally, and even the most enlightened of them, have a very imperfect and one-sided notion of the operation of competition. They see half its effects, and overlook the other half; they regard it as an agency for grinding down every one's remuneration—for obliging every one to accept less wages for his labor, or a less price for his commodities, which would be true only if every one had to dispose of his labor or his commodities to some great monopolist, and the competition were all on one side. They forget that competition is a cause of high prices and values as well as of low; that the buyers of labor and of commodities compete with one another as well as the sellers; and that if it is competition which keeps the prices of labor and commodities as low as they are, it is competition which prevents them from falling still lower. In truth, when competition is perfectly free on both sides, its tendency is not specially either to raise or to lower the price of articles, but to equalize it; to level inequalities of remuneration, and to reduce

all to a general average, a result which, in so far as realized (no doubt very imperfectly), is, on Socialistic principles, desirable. But if, disregarding for the time that part of the effects of competition which consists in keeping up prices, we fix our attention on its effect in keeping them down, and contemplate this effect in reference solely to the interest of the laboring classes, it would seem that if competition keeps down wages, and so gives a motive to the laboring classes to withdraw the labor market from the full influence of competition, if they can, it must on the other hand have credit for keeping down the prices of the articles on which wages are expended, to the great advantage of those who depend on wages. To meet this consideration Socialists, as we said in our quotation from M. Louis Blanc, are reduced to affirm that the low prices of commodities produced by competition are delusive and lead in the end to higher prices than before, because when the richest competitor has got rid of all his rivals, he commands the market and can demand any price he pleases. Now, the

commonest experience shows that this state of things, under really free competition, is wholly imaginary. The richest competitor neither does nor can get rid of all his rivals, and establish himself in exclusive possession of the market; and it is not the fact that any important branch of industry or commerce formerly divided among many has become, or shows any tendency to become, the monopoly of a few.

The kind of policy described is sometimes possible where, as in the case of railways, the only competition possible is between two or three great companies, the operations being on too vast a scale to be within the reach of individual capitalists; and this is one of the reasons why businesses which require to be carried on by great joint-stock enterprises cannot be trusted to competition, but, when not reserved by the State to itself, ought to be carried on under conditions prescribed, and, from time to time, varied by the State, for the purpose of insuring to the public a cheaper supply of its wants than would be afforded by private interest in the absence of sufficient

competition. But in the ordinary branches of industry no one rich competitor has it in his power to drive out all the smaller ones. Some businesses show a tendency to pass out of the hands of many small producers or dealers into a smaller number of larger ones ; but the cases in which this happens are those in which the possession of a larger capital permits the adoption of more powerful machinery, more efficient by more expensive processes, or a better organized and more economical mode of carrying on business, and thus enables the large dealer legitimately and permanently to supply the commodity cheaper than can be done on the small scale ; to the great advantage of the consumers, and therefore of the laboring classes, and diminishing, *pro tanto*, that waste of the resources of the community so much complained of by Socialists, the unnecessary multiplication of mere distributors, and of the various other classes whom Fourier calls the parasites of industry. When this change is effected, the larger capitalists, either individual or joint stock, among which the business is

divided, are seldom, if ever, in any considerable branch of commerce, so few as that competition shall not continue to act between them; so that the saving in cost, which enabled them to undersell the small dealers, continues afterwards, as at first, to be passed on, in lower prices, to their customers. The operation, therefore, of competition in keeping down the prices of commodities, including those on which wages are expended, is not illusive but *real*, and, we may add, is a growing, not a declining, fact.

But there are other respects, equally important, in which the charges brought by Socialists against competition do not admit of so complete an answer. Competition is the best security for cheapness, but by no means a security for quality. In former times, when producers and consumers were less numerous, it was a security for both. The market was not large enough nor the means of publicity sufficient to enable a dealer to make a fortune by continually attracting new customers: his success depended on his retaining those that he had; and when a dealer furnished

good articles, or when he did not, the fact was soon known to those whom it concerned, and he acquired a character for honest or dishonest dealing of more importance to him than the gain that would be made by cheating casual purchasers. But on the great scale of modern transactions, with the great multiplication of competition and the immense increase in the quantity of business competed for, dealers are so little dependent on permanent customers that character is much less essential to them, while there is also far less certainty of their obtaining the character they deserve. The low prices which a tradesman advertises are known, to a thousand for one who has discovered for himself or learned from others, that the bad quality of the goods is more than an equivalent for their cheapness; while at the same time the much greater fortunes now made by some dealers excite the cupidity of all, and the greed of rapid gain substitutes itself for the modest desire to make a living by their business. In this manner, as wealth increases and greater prizes seem to be within reach, more

and more of a gambling spirit is introduced into commerce ; and where this prevails not only are the simplest maxims of prudence disregarded, but all, even the most perilous, forms of pecuniary improbity receive a terrible stimulus. This is the meaning of what is called the intensity of modern competition. It is further to be mentioned that when this intensity has reached a certain height, and when a portion of the producers of an article or the dealers in it have resorted to any of the modes of fraud, such as adulteration, giving short measure, &c., of the increase of which there is now so much complaint, the temptation is immense on these to adopt the fraudulent practises, who would not have originated them ; for the public are aware of the low prices fallaciously produced by the frauds, but do not find out at first, if ever, that the article is not worth the lower price, and they will not go on paying a higher price for a better article, and the honest dealer is placed at a terrible disadvantage. Thus the frauds, begun by a few, become customs of

the trade, and the morality of the trading classes is more and more deteriorated.

On this point, therefore, Socialists have really made out the existence not only of a great evil, but of one which grows and tends to grow with the growth of population and wealth. It must be said, however, that society has never yet used the means which are already in its power of grappling with this evil. The laws against commercial frauds are very defective, and their execution still more so. Laws of this description have no chance of being really enforced unless it is the special duty of some one to enforce them. They are specially in need of a public prosecutor. It is still to be discovered how far it is possible to repress by means of the criminal law a class of misdeeds which are now seldom brought before the tribunals, and to which, when brought, the judicial administration of this country is most unduly lenient. The most important class, however, of these frauds, to the mass of the people, those which affect the price or quality of articles of daily consumption, can be in a great measure

overcome by the institution of co-operative stores. By this plan any body of consumers who form themselves into an association for the purpose, are enabled to pass over the retail dealers and obtain their articles direct from the wholesale merchants, or, what is better (now that wholesale co-operative agencies have been established), from the producers, thus freeing themselves from the heavy tax now paid to the distributing classes and at the same time eliminate the usual perpetrators of adulterations and other frauds. Distribution thus becomes a work performed by agents selected and paid by those who have no interest in anything but the cheapness and goodness of the article; and the distributors are capable of being thus reduced to the numbers which the quantity of work to be done really requires. The difficulties of the plan consist in the skill and trustworthiness required in the managers, and the imperfect nature of the control which can be exercised over them by the body at large. The great success and rapid growth of the system prove, however, that these difficulties

are, in some tolerable degree, overcome. At all events, if the beneficial tendency of the competition of retailers in promoting cheapness is foregone, and has to be replaced by other securities, the mischievous tendency of the same competition in deteriorating quality is at any rate got rid of; and the prosperity of the co-operative stores shows that this benefit is obtained not only without detriment to cheapness, but with great advantage to it, since the profits of the concerns enable them to return to the consumers a large percentage on the price of every article supplied to them. So far, therefore, as this class of evils is concerned, an effectual remedy is already in operation, which, though suggested by and partly grounded on socialistic principles, is consistent with the existing constitution of property.

With regard to those greater and more conspicuous economical frauds, **or** malpractices equivalent to frauds, of which so many deplorable cases have become notorious—committed by merchants and bankers between them-

selves or between them and those who have trusted them with money, such a remedy as above described is not available, and the only resources which the present constitution of society affords against them are a sterner reprobation by opinion, and a more efficient repression by the law. Neither of these remedies has had any approach to an effectual trial. It is on the occurrence of insolvencies that these dishonest practices usually come to light; the perpetrators take their place, not in the class of malefactors, but in that of insolvent debtors; and the laws of this and other countries were formerly so savage against simple insolvency, that by one of those reactions to which the opinions of mankind are liable, insolvents came to be regarded mainly as objects of compassion, and it seemed to be thought that the hand both of law and of public opinion could hardly press too lightly upon them. By an error in a contrary direction to the ordinary one of our law, which in the punishment of offences in general wholly neglects the question of reparation to the sufferer,

our bankruptcy laws have for some time treated the recovery for creditors of what is left of their property as almost the sole object, scarcely any importance being attached to the punishment of the bankrupt for any misconduct which does not directly interfere with that primary purpose. For three or four years past there has been a slight counter-reaction, and more than one bankruptcy act has been passed, somewhat less indulgent to the bankrupt; but the primary object regarded has still been the pecuniary interest of the creditors, and criminality in the bankrupt himself, with the exception of a small number of well-marked offences, gets off almost with impunity. It may be confidently affirmed, therefore, that, at least in this country, society has not exerted the power it possesses of making mercantile dishonesty dangerous to the perpetrator. On the contrary, it is a gambling trick in which all the advantage is on the side of the trickster: if the trick succeeds it makes his fortune, or preserves it; if it fails, he is at most reduced to poverty, which was perhaps

already impending when he determined to run the chance, and he is classed by those who have not looked closely into the matter, and even by many who have, not among the infamous but among the unfortunate. Until a more moral and rational mode of dealing with culpable insolvency has been tried and failed, commercial dishonesty cannot be ranked among evils the prevalence of which is inseparable from commercial competition.

Another point on which there is much misapprehension on the part of Socialists, as well as of Trades Unionists and other partisans of Labor against Capital, relates to the proportions in which the produce of the country is really shared and the amount of what is actually diverted from those who produce it, to enrich other persons. I forbear for the present to speak of the land, which is a subject apart. But with respect to capital employed in business, there is in the popular notions a great deal of illusion. When, for instance, a capitalist invests £20,000 in his business, and draws from it an income of

(suppose) £2,000 a year, the common impression is as if he was the beneficial owner both of the £20,000 and of the £2,000, while the laborers own nothing but their wages. The truth, however, is, that he only obtains the £2,000 on condition of applying no part of the £20,000 to his own use. He has the legal control over it, and might squander it if he chose, but if he did he would not have the £2,000 a year also. As long as he derives an income from his capital he has not the option of withholding it from the use of others. As much of his invested capital as consists of buildings, machinery, and other instruments of production, are applied to production and are not applicable to the support or enjoyment of any one. What is so applicable (including what is laid out in keeping up or renewing the buildings and instruments) is paid away to laborers, forming their remuneration and their share in the division of the produce. For all personal purposes they have the capital and he has but the profits, which it only yields to him on condition that the capital itself is employed in satisfying

not his own wants, but those of laborers. The proportion which the profits of capital usually bear to capital itself (or rather to the circulating portion of it) is the ratio which the capitalist's share of the produce bears to the aggregate share of the laborers. Even of his own share a small part only belongs to him as the owner of capital. The portion of the produce which falls to capital merely as capital is measured by the interest of money, since that is all that the owner of capital obtains when he contributes nothing to production except the capital itself. Now the interest of capital in the public funds, which are considered to be the best security, is at the present prices (which have not varied much for many years) about three and one-third per cent. Even in this investment there is some little risk—risk of repudiation, risk of being obliged to sell out at a low price in some commercial crisis.

Estimating these risks at $\frac{1}{3}$ per cent., the remaining 3 per cent. may be considered as the remuneration of capital, apart from insurance against loss. On the security of a mortgage

4 per cent. is generally obtained, but in this transaction there are considerably greater risks—the uncertainty of titles to land under our bad system of law ; the chance of having to realize the security at a great cost in law charges ; and liability to delay in the receipt of the interest even when the principal is safe. When mere money independently of exertion yields a larger income, as it sometimes does, for example, by shares in railway or other companies, the surplus is hardly ever an equivalent for the risk of losing the whole, or part, of the capital by mismanagement, as in the case of the Brighton Railway, the dividend of which, after having been 6 per cent. per annum, sunk to from nothing to $1\frac{1}{2}$ per cent., and shares which had been bought at 120 could not be sold for more than about 43. When money is lent at the high rates of interest one occasionally hears of, rates only given by spend-thrifts and needy persons, it is because the risk of loss is so great that few who possess money can be induced to lend to them at all. So little reason is there for the outcry against “usury”

as **one** of the grievous burthens of the working-classes. Of the profits, therefore, which a manufacturer or other person in business obtains from his capital no more than about 3 per cent. can be set down to the capital itself. If he were able and willing to give up the whole of this to his laborers, who already share among them the whole of his capital as it is annually reproduced from year to year, the addition to their weekly wages would be inconsiderable. Of what he obtains beyond 3 per cent. a great part is insurance against the manifold losses he is exposed to, and cannot safely be applied to his own use, but requires to be kept in reserve to cover those losses when they occur. The remainder is properly the remuneration of his skill and industry—the wages of his labor of superintendence. No doubt if he is **very** successful in business these wages of his are extremely liberal, and quite out of proportion to what the same skill and industry would command if offered for hire. But, on the other hand, he runs a worse risk than that of being out of employment; that of doing the

work without earning anything by it, of having the labor and anxiety without the wages. I do not say that the drawbacks balance the privileges, or that he derives no advantage from the position which makes him a capitalist and employer of labor, instead of a skilled superintendent letting out his services to others; but the amount of his advantage must not be estimated by the great prizes alone. If we subtract from the gains of some the losses of others, and deduct from the balance a fair compensation for the anxiety, skill, and labor of both, grounded on the market price of skilled superintendence, what remains will be, no doubt, considerable, but yet, when compared to the entire capital of the country, annually reproduced and dispensed in wages, it is very much smaller than it appears to the popular imagination; and were the whole of it added to the share of the laborers it would make a less addition to that share than would be made by any important invention in machinery, or by the suppression of unnecessary distributors and other "parasites of indus-

try." To complete the estimate, however, of the portion of the produce of industry which goes to remunerate capital we must not stop at the interest earned out of the produce by the capital actually employed in producing it, but must include that which is paid to the former owners of capital which has been unproductively spent and no longer exists, and is paid, of course, out of the produce of other capital. Of this nature is the interest of national debts, which is the cost a nation is burthened with for past difficulties and dangers, or for past folly or profligacy of its rulers, more or less shared by the nation itself. To this must be added the interest on the debts of landowners and other unproductive consumers; except so far as the money borrowed may have been spent in remunerative improvement of the productive powers of the land. As for landed property itself—the appropriation of the rent of land by private individuals—I reserve, as I have said, this question for discussion hereafter; for the tenure of land might be varied in any manner

considered desirable, all the land might be declared the property of the State, without interfering with the right of property in anything which is the product of human labor and abstinence.

It seemed desirable to begin the discussion of the Socialist question by these remarks in abatement of Socialist exaggerations, in order that the true issues between Socialism and the existing state of society might be correctly conceived. The present system is not, as many Socialists believe, hurrying us into a state of general indigence and slavery from which only Socialism can save us. The evils and injustices suffered under the present system are great, but they are not increasing; on the contrary, the general tendency is towards their slow diminution. Moreover the inequalities in the distribution of the produce between capital and labor, however they may shock the feeling of natural justice, would not by their mere equalisation afford by any means so large a fund for raising the lower levels of remuneration as Socialists,

and many besides Socialists, are apt to suppose. There is not any one abuse or injustice now prevailing in society by merely abolishing which the human race would pass out of suffering into happiness. What is incumbent on us is a calm comparison between two different systems of society, with a view of determining which of them affords the greatest resources for overcoming the inevitable difficulties of life. And if we find the answer to this question more difficult, and more dependent upon intellectual and moral conditions, than is usually thought, it is satisfactory to reflect that there is time before us for the question to work itself out on an experimental scale, by actual trial. I believe we shall find that no other test is possible of the practicality or beneficial operation of Socialist arrangements; but that the intellectual and moral grounds of Socialism deserve the most attentive study, as affording in many cases the guiding principles of the improvements necessary to give the present economic system of society its best chance.

THE DIFFICULTIES OF SOCIALISM.

Among those who call themselves Socialists, two kinds of persons may be distinguished. There are, in the first place, those whose plans for a new order of society, in which private property and individual competition are to be superseded and other motives to action substituted, are on the scale of a village community or township, and would be applied to an entire country by the multiplication of such self-acting units; of this character are the systems of Owen, of Fourier, and the more thoughtful and philosophic Socialists generally. The other class, who are more a product of the Continent than of Great Britain and may be called the revolutionary Socialists, propose to themselves a much bolder stroke. Their scheme is the management of the whole productive resources of the country by one central authority, the general government. And with this view some of them avow as their purpose that the working classes, or somebody in their behalf, should take possession

of all the property of the country, and administer it for the general benefit.

Whatever be the difficulties of the first of these two forms of Socialism, the second must evidently involve the same difficulties and many more. The former, too, has the great advantage that it can be brought into operation progressively, and can prove its capabilities by trial. It can be tried first on a select population and extended to others as their education and cultivation permit. It need not, and in the natural order of things would not, become an engine of subversion until it had shown itself capable of being also a means of reconstruction. It is not so with the other: the aim of that is to substitute the new rule for the old at a single stroke, and to exchange the amount of good realised under the present system, and its large possibilities of improvement, for a plunge without any preparation into the most extreme form of the problem of carrying on the whole round of the operations of social life without the motive power which has always hitherto worked the social machinery. It

must be acknowledged that those who would play this game on the strength of their own private opinion, unconfirmed as yet by any experimental verification—who would forcibly deprive all who have now a comfortable physical existence of their only present means of preserving it, and would brave the frightful bloodshed and misery that would ensue if the attempt was resisted—must have a serene confidence in their own wisdom on the one hand and a recklessness of other people's sufferings on the other, which Robespierre and St. Just, hitherto the typical instances of those united attributes, scarcely came up to. Nevertheless this scheme has great elements of popularity which the more cautious and reasonable form of Socialism has not; because what it professes to do it promises to do quickly, and holds out hope to the enthusiastic of seeing the whole of their aspirations realised in their own time and at a blow.

The peculiarities, however, of the revolutionary form of Socialism will be most conveniently

examined **after** the considerations common to both the forms have been duly weighed.

The produce of the world could not attain anything approaching to its present amount, nor support anything approaching to the present number of its inhabitants, except upon two conditions: abundant and costly machinery, buildings, and other instruments of production; and the power of undertaking long operations and waiting a considerable time for their fruits. In other words, there must be a large accumulation of capital, both fixed in the implements and buildings, and circulating, that is employed in maintaining the laborers and their families during the time which elapses before the productive operations are completed and the products come in. This necessity depends on physical laws, and is inherent in the condition of human life; but these requisites of production, the capital, fixed and circulating, of the country (to which has to be added the land, and all that is contained in it), may either be the collective property of those who use it, or may belong to indi-

viduals; and the question is, which of these arrangements is most conducive to human happiness. What is characteristic of Socialism is the joint ownership by all the members of the community of the instruments and means of production; which carries with it the consequence that the division of the produce among the body of owners must be a public act, performed according to rules laid down by the community. Socialism by no means excludes private ownership of articles of consumption; the exclusive right of each to his or her share of the produce when received, either to enjoy, to give, or to exchange it. The land, for example, might be wholly the property of the community for agricultural and other productive purposes, and might be cultivated on their joint account, and yet the dwelling assigned to each individual or family as part of their remuneration might be as exclusively theirs, while they continued to fulfil their share of the common labors, as any one's house now is; and not the dwelling only, but any ornamental ground which the circumstances of the

association allowed to be attached to the house for purposes of enjoyment. The distinctive feature of Socialism is not that all things are in common, but that production is only carried on upon the common account, and that the instruments of production are held as common property. The *practicability* then of Socialism, on the scale of Mr. Owen's or M. Fourier's villages, admits of no dispute. The attempt to manage the whole production of a nation by one central organization is a totally different matter; but a mixed agricultural and manufacturing association of from two thousand to four thousand inhabitants under any tolerable circumstances of soil and climate would be easier to manage than many a joint stock company. The question to be considered is, whether this joint management is likely to be as efficient and successful as the managements of private industry by private capital. And this question has to be considered in a double aspect; the efficiency of the directing mind, or minds, and that of the simple workpeople. And in order to state this question in its simplest form, we will

suppose the form of Socialism to be simple Communism, *i. e.* equal division of the produce among all the sharers, or, according to M. Louis Blanc's still higher standard of justice, apportionment of it according to difference of need, but without making any difference of reward according to the nature of the duty nor according to the supposed merits or services of the individual. There are other forms of Socialism, particularly Fourierism, which do, on considerations of justice or expediency, allow differences of remuneration for different kinds or degrees of service to the community; but the consideration of these may be for the present postponed.

The difference between the motive powers in the economy of society under private property and under Communism would be greatest in the case of the directing minds. Under the present system, the direction being entirely in the hands of the person or persons who own (or are personally responsible for) the capital, the whole benefit of the difference between the best administration and the worst under which the business can con-

tinue to be carried on accrues to the person or persons who control the administration: they reap the whole profit of good management except so far as their self-interest or liberality induce them to share it with their subordinates; and they suffer the whole detriment of mismanagement except so far as this may cripple their subsequent power of employing labor. This strong personal motive to do their very best and utmost for the efficiency and economy of the operations, would not exist under Communism; as the managers would only receive out of the produce the same equal dividend as the other members of the association. What would remain would be the interest common to all in so managing affairs as to make the dividend as large as possible; the incentives of public spirit, of conscience, and of the honor and credit of the managers. The force of these motives, especially when combined, is great. But it varies greatly in different persons, and is much greater for some purposes than for others. The verdict of experience, in the imperfect degree of moral cultivation which mankind



have yet reached, is that the motive of conscience and that of credit and reputation, even when they are of some strength, are, in the majority of cases, much stronger as restraining than as impelling forces—are more to be depended on for preventing wrong, than for calling forth the fullest energies in the pursuit of ordinary occupations. In the case of most men the only inducement which has been found sufficiently constant and unflagging to overcome the ever-present influence of indolence and love of ease, and induce men to apply themselves unrelaxingly to work for the most part in itself dull and unexciting, is the prospect of bettering their own economic condition and that of their family; and the closer the connection of every increase of exertion with a corresponding increase of its fruits, the more powerful is this motive. To suppose the contrary would be to imply that with men as they now are, duty and honor are more powerful principles of action than personal interest, not solely as to special acts and forbearances respecting which those sentiments have been exception-



ally cultivated, but in the regulation of their whole lives; which no one, I suppose, will affirm. It may be said that this inferior efficacy of public and social feelings is not inevitable—is the result of imperfect education. This I am quite ready to admit, and also that there are even now many individual exceptions to the general infirmity. But before these exceptions can grow into a majority, or even into a very large minority, much time will be required. The education of human beings is one of the most difficult of all arts, and this is one of the points in which it as hitherto been least successful; moreover improvements in general education are necessarily very gradual, because the future generation is educated by the present, and the imperfections of the teachers set an invincible limit to the degree in which they can train their pupils to be better than themselves. We must therefore expect, unless we are operating upon a select portion of the population, that personal interest will for a long time be a more effective stimulus to the most vigorous and careful conduct of the industrial

business of society than motives of a higher character. It will be said that at present the greed of personal gain by its very excess counteracts its own end by the stimulus it gives to reckless and often dishonest risks. This it does, and under Communism that source of evil would generally be absent. It is probable, indeed, that enterprise either of a bad or of a good kind would be a deficient element, and that business in general would fall very much under the dominion of routine ; the rather, as the performance of duty in such communities has to be enforced by external sanctions, the more nearly each person's duty can be reduced to fixed rules, the easier it is to hold him to its performance. A circumstance which increases the probability of this result is the limited power which the managers would have of independent action. They would of course hold their authority from the choice of the community, by whom their function might at any time be withdrawn from them ; and this would make it necessary for them, even if not so required by the constitution

of the community, to obtain the general consent of the body before making any change in the established mode of carrying on the concern. The difficulty of persuading a numerous body to make a change in their accustomed mode of working, or which change the trouble is often great, and the risk more obvious to their minds than the advantage, would have a great tendency to keep things in their accustomed track. Against this it has to be set, that choice by the persons who are directly interested in the success of the work, and who have practical knowledge and opportunities of judgment, might be expected on the average to produce managers of greater skill than the chances of birth, which now so often determine who shall be the owner of the capital. This may be true ; and though it may be replied that the capitalist by inheritance can also, like the community, appoint a manager more capable than himself, this would only place him on the same level of advantage as the community, not on a higher level. But it must be said on the other side that under the Communist system the

persons most qualified for the management would be likely very often to hang back from undertaking it. At present the manager, even if he be a hired servant, has a very much larger remuneration than the other persons concerned in the business; and there are open to his ambition higher social positions to which his function of manager is a stepping-stone. On the Communist system none of these advantages would be possessed by him; he could obtain only the same dividend out of the produce of the community's labor as any other member of it; he would no longer have the chance of raising himself from a receiver of wages into the class of capitalists; and while he could be in no way better off than any other laborer, his responsibilities and anxieties would be so much greater that a large proportion of mankind would be likely to prefer the less onerous position. This difficulty was foreseen by Plato as an objection to the system proposed in his Republic of community of goods among a governing class; and the motive on which he relied for inducing the fit persons to

take on themselves, in the absence of all the ordinary inducements, the cares and labors of government, was the fear of being governed by worse men. This, in truth, is the motive which would have to be in the main depended upon; the persons most competent to the management would be prompted to undertake the office to prevent it from falling into less competent hands. And the motive would probably be effectual at times when there was an impression that by incompetent management the affairs of the community were going to ruin, or even only decidedly deteriorating. But this motive could not as a rule, expect to be called into action by the less stringent inducement of merely promoting improvement; unless in the case of inventors or schemers eager to try some device from which they hoped for great and immediate fruits; and persons of this kind are very often unfitted by over-sanguine temper and imperfect judgment for the general conduct of affairs, while even when fitted for it they are precisely the kind of persons against whom the average man is apt to

entertain a prejudice, and they would often be unable to overcome the preliminary difficulty of persuading the community both to adopt their project and to accept them as managers. Communistic management would thus be, in all probability, less favorable than private management to that striking out of new paths and making immediate sacrifices for distant and uncertain advantages, which, though seldom unattended with risk, is generally indispensable to great improvements in the economic condition of mankind, and even to keeping up the existing state in the face of a continual increase of the number of mouths to be fed.

We have thus far taken account only of the operation of motives upon the managing minds of the association. Let us now consider how the case stands in regard to the ordinary workers.

These, under Communism, would have no interest, except their share of the general interest, in doing their work honestly and energetically. But in this respect matters would be no worse than they now are in regard to the great

majority of the producing classes. These, being paid by fixed wages, are so far from having any direct interest of their own in the efficiency of their work, that they have not even that share in the general interest which every worker would have in the Communistic organization. Accordingly, the inefficiency of hired labor, the imperfect manner in which it calls forth the real capabilities of the laborers, is matter of common remark. It is true that a character for being a good workman is far from being without its value, as it tends to give him a preference in employment, and sometimes obtains for him higher wages. There are also possibilities of rising to the position of foreman, or other subordinate administrative posts, which are not only more highly paid than ordinary labor, but sometimes open the way to ulterior advantages. But on the other side is to be set that under Communism the general sentiment of the community, composed of the comrades under whose eyes each person works, would be sure to be in favor of good and hard

working, and unfavorable to laziness, carelessness, and waste. In the present system not only is this not the case, but the public opinion of the workman class often acts in the very opposite direction: the rules of some trade societies actually forbid their members to exceed a certain standard of efficiency, lest they should diminish the number of laborers required for the work; and for the same reason they often violently resist contrivances for economising labor. The change from this to a state in which every person would have an interest in rendering every other person as industrious, skilful, and careful as possible (which would be the case under Communism), would be a change very much for the better.

It is, however, to be considered that the principal defects of the present system in respect to the efficiency of labor may be corrected, and the chief advantages of Communism in that respect may be obtained, by arrangements compatible with private property and individual competition. Considerable improvement is already obtained

by piece-work, in the kinds of labor which admit of it. By this the workman's personal interest is closely connected with the quantity of work he turns out—not so much with its quality, the security for which still has to depend on the employer's vigilance; neither does piece-work carry with it the public opinion of the workman class, which is often, on the contrary, strongly opposed to it, as a means of (as they think) diminishing the market for laborers. And there is really good ground for their dislike of piece-work, if, as is alleged, it is a frequent practice of employers, after using piece-work to ascertain the utmost which a good workman can do, to fix the price of piece-work so low that by doing that utmost he is not able to earn more than they would be obliged to give him as day wages for ordinary work.

But there is a far more complete remedy than piece-work for the disadvantages of hired labor, viz., what is now called industrial partnership—the admission of the whole body of laborers to a participation in the profits, by distributing among

all who share in the work, in the form of a percentage on their earnings, the whole or a fixed portion of the gains after a certain remuneration has been allowed to the capitalist. This plan has been found of admirable efficacy, both in this country and abroad. It has enlisted the sentiments of the workmen employed on the side of the most careful regard by all of them to the general interest of the concern ; and by its joint effect in promoting zealous exertion and checking waste, it has very materially increased the remuneration of every description of labor in the concerns in which it has been adopted. It is evident that this system admits of indefinite extension and of an indefinite increase in the share of profits assigned to the laborers, short of that which would leave to the managers less than the needful degree of personal interest in the success of the concern. It is even likely that when such arrangements become common, many of these concerns would at some period or another, on the death or retirement of the chiefs,

pass, by arrangement, into the state of purely co-operative associations.

It thus appears that as far as concerns the motives to exertion in the general body, Communism has no advantage which may not be reached under private property, while as respects the managing heads it is at a considerable disadvantage. It has also some disadvantages which seem to be inherent in it, through the necessity under which it lies of deciding in a more or less arbitrary manner questions which, on the present system, decide themselves, often badly enough, but spontaneously.

It is a simple rule, and under certain aspects a just one, to give equal payment to all who share in the work. But this is a very imperfect justice unless the work also is apportioned equally. Now the many different kinds of work required in every society are very unequal in hardness and unpleasantness. To measure these against one another, so as to make quality equivalent to quantity, is so difficult that Communists generally propose that all should work by turns at

every kind of labor. But this involves an almost complete sacrifice of the economic advantages of the division of employments, advantages which are indeed frequently over-estimated (or rather the counter considerations are under-estimated) by political economists, but which are nevertheless, in the point of view of the productiveness of labor, very considerable, for the double reason that the co-operation of employment enables the work to distribute itself with some regard to the special capacities and qualifications of the worker, and also that every worker acquires greater skill and rapidity in one kind of work by confining himself to it. The arrangement, therefore, which is deemed indispensable to a just distribution would probably be a very considerable disadvantage in respect of production. But further, it is still a very imperfect standard of justice to demand the same amount of work from every one. People have unequal capacities of work, both mental and bodily, and what is a light task for one is an insupportable burthen to another. It is necessary, therefore, that there

should be a dispensing power, an authority competent to grant exemptions from the ordinary amount of work, and to proportion tasks in some measure to capabilities. As long as there are any lazy or selfish persons who like better to be worked for by others than to work, there will be frequent attempts to obtain exemptions by favor or fraud, and the frustration of these attempts will be an affair of considerable difficulty, and will by no means be always successful. These inconveniences would be little felt, for some time at least, in communities composed of select persons, earnestly desirous of the success of the experiment; but plans for the regeneration of society must consider average human beings, and not only them but the large residuum of persons greatly below the average in the personal and social virtues. The squabbles and ill-blood which could not fail to be engendered by the distribution of work whenever such persons have to be dealt with, would be a great abatement from the harmony and unanimity which Communists hope would

be found among the members of their association. That concord would, even in the most fortunate circumstances, be much more liable to disturbance than Communists suppose. The institution provides that there shall be no quarrelling about material interests; individualism is excluded from that department of affairs. But there are other departments from which no institutions can exclude it: there will still be rivalry for reputation and for personal power. When selfish ambition is excluded from the field in which, with most men, it chiefly exercises itself, that of riches and pecuniary interest, it would betake itself with greater intensity to the domain still open to it, and we may expect that the struggles for pre-eminence and for influence in the management would be of great bitterness when the personal passions, diverted from their ordinary channel, are driven to seek their principal gratification in that other direction. For these various reasons it is probable that a Communist association would frequently fail to exhibit the attractive picture of mutual

love and unity of will and feeling which we are often told by Communists to expect, but would often be torn by dissension and not unfrequently broken up by it.

Other and numerous sources of discord are inherent in the necessity which the Communist principle involves, of deciding by the general voice questions of the utmost importance to every one, which on the present system can be and are left to individuals to decide, each for his own case. As an example, take the subject of education. All Socialists are strongly impressed with the all-importance of the training given to the young, not only for the reasons which apply universally, but because their demands being much greater than those of any other system upon the intelligence and morality of the individual citizen, they have even more at stake than any other societies on the excellence of their educational arrangements. Now under Communism these arrangements would have to be made for every citizen by the collective body, since individual parents, supposing them to pre-

fer some other mode of educating their children, would have no private means of paying for it, and would be limited to what they could do by their own personal teaching and influence. But every adult member of the body would have an equal voice in determining the collective system designed for the benefit of all. Here, then, is a most fruitful source of discord in every association. All who had any opinion or preference as to the education they would desire for their own children, would have to rely for their chance of obtaining it upon the influence they could exercise in the joint decision of the community.

It is needless to specify a number of other important questions affecting the mode of employing the productive resources of the association, the conditions of social life, the relations of the body with other associations, &c., on which difference of opinion, often irreconcilable, would be likely to arise. But even the dissensions which might be expected would be a far less evil to the prospects of humanity than a delusive unanimity produced by the prostration of

all individual opinions and wishes before the decree of the majority. The obstacles to human progression are always great, and require a concurrence of favorable circumstances to overcome them; but an indispensable condition of their being overcome is, that human nature should have freedom to expand spontaneously in various directions, both in thought and practice; that people should both think for themselves and try experiments for themselves, and should not resign into the hands of rulers, whether acting in the name of a few or of the majority, the business of thinking for them, and of prescribing how they shall act. But in Communist associations private life would be brought in a most unexampled degree within the dominion of public authority, and there would be less scope for the development of individual character and individual preferences than has hitherto existed among the full citizens of any state belonging to the progressive branches of the human family. Already in all societies the compression of individuality by the majority is a great and growing

evil; it would probably be much greater under Communism, except so far as it might be in the power of individuals to set bounds to it by selecting to belong to a community of persons like-minded with themselves.

From these various considerations I do not seek to draw any inference against the possibility that Communistic production is capable of being at some future time the form of society best adapted to the wants and circumstances of mankind. I think that this is, and will long be, an open question, upon which fresh light will continually be obtained, both by trial of the Communistic principle under favorable circumstances, and by the improvements which will be gradually effected in the working of the existing system, that of private ownership. The one certainty is, that Communism, to be successful, requires a high standard of both moral and intellectual education in all the members of the community—moral, to qualify them for doing their part honestly and energetically in the labor of life under no inducement but their share in

the general interest of the association, and their feelings of duty and sympathy towards it; intellectual, to make them capable of estimating distant interests and entering into complex considerations, sufficiently at least to be able to discriminate, in these matters, good counsel from bad. Now I reject altogether the notion that it is impossible for education and cultivation such as is implied in these things to be made the inheritance of every person in the nation; but I am convinced that it is very difficult, and that the passage to it from our present condition can only be slow. I admit the plea that in the points of moral education on which the success of communism depends, the present state of society is demoralizing, and that only a Communistic association can effectually train mankind for Communism. It is for Communism, then, to prove, by practical experiment, its power of giving this training. Experiments alone can show whether there is as yet in any portion of the population a sufficiently high level of moral cultivation to make Communism succeed, and to give to the next generation among themselves the education necessary to keep up that high level permanently. If Communist associations show that they can be

durable and prosperous, they will multiply, and will probably be adopted by successive portions of the population of the more advanced countries as they become morally fitted for that mode of life. But to force unprepared populations into Communist societies, even if a political revolution gave the power to make such an attempt, would end in disappointment.

If practical trial is necessary to test the capabilities of Communism, it is no less required for those other forms of Socialism which recognize the difficulties of Communism and contrive means to surmount them. The principal of these is Fourierism, a system which, if only as a specimen of intellectual ingenuity, is highly worthy of the attention of any student, either of society or of the human mind. There is scarcely an objection or a difficulty which Fourier did not foresee, and against which he did not make provision beforehand by self-acting contrivances, grounded, however, upon a less high principle of distributive justice than that of Communism, since he admits inequalities of distribution and individual ownership of capital, but not the arbitrary disposal of it. The great problem which he grapples with is how to make labor attractive, since, if this

could be done, the principal difficulty of Socialism would be overcome. He maintains that no kind of useful labor is necessarily or universally repugnant, unless either excessive in amount or devoid of the stimulus of companionship and emulation, or regarded by mankind with contempt. The workers in a Fourierist village are to class themselves spontaneously in groups, each group undertaking a different kind of work, and the same person may be a member not only of one group but of any number; a certain minimum having first been set apart for the subsistence of every member of the community, whether capable or not of labor, the society divides the remainder of the produce among the different groups, in such shares as it finds attract to each the amount of labor required, and no more; if there is too great a run upon particular groups it is a sign that those groups are over-remunerated relatively to others; if any are neglected their remuneration must be made higher. The share of produce assigned to each group is divided in fixed proportions among three elements—labor, capital, and talent; the part assigned to talent being awarded by the suffrages of the group itself, and it is hoped that among the variety of human capaci-

ties all, or nearly all, will be qualified to excel in some group or other. The remuneration for capital is to be such as is found sufficient to induce savings from individual consumption, in order to increase the common stock to such point as is desired. The number and ingenuity of the contrivances for meeting minor difficulties, and getting rid of minor inconveniencies, is very remarkable. By means of these various provisions it is the expectation of Fourierists that the personal inducements to exertion for the public interest, instead of being taken away, would be made much greater than at present, since every increase of the service rendered would be much more certain of leading to increase of reward than it is now, when accidents of position have so much influence. The efficiency of labor, they therefore expect, would be unexampled, while the saving of labor would be prodigious, by diverting to useful occupations that which is now wasted on things useless or hurtful, and by dispensing with the vast number of superfluous distributors, the buying and selling for the whole community being managed by a single agency. The free choice of individuals as to their manner of life would be no further interfered with than would

be necessary for gaining the full advantages of co-operation in the industrial operations. Altogether, the picture of a Fourierist community is both attractive in itself and requires less from common humanity than any other known system of Socialism ; and it is much to be desired that the scheme should have that fair trial which alone can test the workableness of any new scheme of social life.*

The result of our review of the various difficulties of Socialism has led us to the conclusion that the various schemes for managing the productive resources of the country by public instead of private agency have a case for a trial, and some of them may eventually establish their claims to preference over the existing order of things, but that they are at present workable

* The principles of Fourierism are clearly set forth and powerfully defended in the various writings of M. Victor Considerant, especially that entitled *La Destinee Sociale* ; but the curious inquirer will do well to study them in the writings of Fourier himself ; where he will find unmistakable proofs of genius, mixed, however with the wildest and most unscientific fancies respecting the physical world, and much interesting but rash speculation on the past and future history of humanity. It is proper to add that on some important social questions, for instance on marriage, Fourier had peculiar opinions, which, however, as he himself declares, are quite independent of, and separable from, the principles of his industrial system.

only by the *élite* of mankind, and have yet to prove their power of training mankind at large to the state of improvement which they presuppose. Far more, of course, may this be said of the more ambitious plan which aims at taking possession of the whole land and capital of the country, and beginning at once to administer it on the public account. Apart from all consideration of injustice to the present possessors, the very idea of conducting the whole industry of a country by direction from a single centre is so obviously chimerical, that nobody ventures to propose any mode in which it should be done ; and it can hardly be doubted that if the revolutionary Socialists attained their immediate object, and actually had the whole property of the country at their disposal, they would find no other practicable mode of exercising their power over it than that of dividing it into portions, each to be made over to the administration of a small Socialist community. The problem of management, which we have seen to be so difficult even to a select population well prepared beforehand, would be thrown down to be solved as best it could by aggregations united only by locality, or taken indiscriminately from

the population, including all the malefactors, all the idlest and most vicious, the most incapable of steady industry, forethought, or self-control, and a majority who, though not equally degraded, are yet, in the opinion of Socialists themselves, as far as regards the qualities essential for the success of Socialism, profoundly demoralised by the existing state of society. It is saying but little to say that the introduction of Socialism under such conditions could have no effect but disastrous failure, and its apostles could have only the consolation that the order of society as it now exists would have perished first, and all who benefit by it would be involved in the common ruin—a consolation which to some of them would probably be real, for if appearances can be trusted the animating principle of too many of the revolutionary Socialists is hate; a very excusable hatred of existing evils, which would vent itself by putting an end to the present system at all costs even to those who suffer by it, in the hope that out of chaos would arise a better Kosmos, and in the impatience of desperation respecting any more gradual improvement. They are unaware that chaos is the very most unfavorable position for setting out in the construction of a Kosmos, and that many ages of conflict, vio-

lence, and tyrannical oppression of the weak by the strong must intervene; they know not that they would plunge mankind into the state of nature so forcibly described by Hobbes (*Leviathan*, Part I. ch. xiii.), where every man is enemy to every man:—

“In such condition there is no place for industry, because the fruit thereof is uncertain, and consequently no culture of the earth, no navigation, no use of the commodities that may be imported by sea, no commodious building, no instruments of moving and removing such things as require much force, no knowledge of the face of the earth, no account of time, no arts, no letters, no society; and, which is worst of all, continual fear and danger of violent death; and the life of man solitary, poor, nasty, brutish, and short.”

If the poorest and most wretched members of a so-called civilised society are in as bad a condition as every one would be in that worst form of barbarism produced by the dissolution of civilised life, it does not follow that the way to raise them would be to reduce all others to the same miserable state. On the contrary, it is by the aid of the first who have risen that so many others have escaped from the general lot, and it is only by better organization of the same process that it may be hoped in time to succeed in raising the remainder.

THE IDEA OF PRIVATE PROPERTY NOT FIXED
BUT VARIABLE.

The preceding considerations appear sufficient to show that an entire renovation of the social fabric, such as is contemplated by Socialism, establishing the economic constitution of society upon an entirely new basis, other than that of private property and competition, however valuable as an ideal, and even as a prophecy of ultimate possibilities, is not available as a present resource, since it requires from those who are to carry on the new order of things qualities both moral and intellectual, which require to be tested in all, and to be created in most; and this cannot be done by an Act of Parliament, but must be, on the most favorable supposition, a work of considerable time. For a long period to come the principle of individual property will be in possession of the field; and even if in any country a popular movement were to place Socialists at the head of a revolutionary government, in however many ways they might violate private property, the institution itself would survive, and would either be accepted by them or brought back by their expulsion, for the plain reason that people will not lose their hold

of what is at present their sole reliance for subsistence and security until a substitute for it has been got into working order. Even those, if any, who had shared among themselves what was the property of others would desire to keep what they had acquired, and to give back to property in the new hands the sacredness which they had not recognised in the old.

But though, for these reasons, individual property has presumably a long term before it, if only of provisional existence, we are not, therefore, to conclude that it must exist during that whole term unmodified, or that all the rights now regarded as appertaining to property belong to it inherently, and must endure while it endures. On the contrary, it is both the duty and the interest of those who derive the most direct benefit from the laws of property to give impartial consideration to all proposals for rendering those laws in any way less onerous to the majority. This, which would in any case be an obligation of justice, is an injunction of prudence also, in order to place themselves in the right against the attempts which are sure to be frequent to bring the Socialist forms of society prematurely into operation.

One of the mistakes oftenest committed, and which are the sources of the greatest practical errors in human affairs, is that of supposing that the same name always stands for the same aggregation of ideas. No word has been the subject of more of this kind of misunderstanding than the word property. It denotes in every state of society the largest powers of exclusive use or exclusive control over things (and sometimes, unfortunately, over persons) which the law accords, or which custom, in that state of society, recognizes; but these powers of exclusive use and control are very various, and differ greatly in different countries and in different states of society.

For instance, in early states of society, the right of property did not include the right of bequest. The power of disposing of property by will was in most countries of Europe a rather late institution; and long after it was introduced it continued to be limited in favor of what were called natural heirs. Where bequest is not permitted, individual property is only a life interest. And in fact, as has been so well and fully set forth by Sir Henry Maine in his most instructive work on Ancient Law, the primitive

idea of property was that it belonged to the family, not the individual. The head of the family had the management and was the person who really exercised the proprietary rights. As in other respects, so in this, he governed the family with nearly despotic power. But he was not free so to exercise his power as to defeat the co-proprietors of the other portions; he could not so dispose of the property as to deprive them of the joint enjoyment or of the succession. By the laws and customs of some nations the property could not be alienated without the consent of the male children; in other cases the child could by law demand a division of the property and the assignment to him of his share, as in the story of the Prodigal Son. If the association kept together after the death of the head, some other member of it, not always his son, but often the eldest of the family, the strongest, or the one selected by the rest, succeeded to the management and to the managing rights, all the others retaining theirs as before. If, on the other hand the body broke up into separate families, each of these took away with it a part of the property. I say the property, not the inheritance, because the process was a mere continuance of existing

rights, not a creation of new ; the manager's share alone lapsed to the association.

Then, again, in regard to proprietary rights over immovables (the principal kind of property in a rude age) these rights were of very varying extent and duration. By the Jewish law property in immovables was only a temporary concession ; on the Sabbatical year it returned to the common stock to be redistributed ; though we may surmise that in the historical times of the Jewish state this rule may have been successfully evaded. In many countries of Asia, before European ideas intervened, nothing existed to which the expression property in land, as we understand the phrase, is strictly applicable. The ownership was broken up among several distinct parties, whose rights were determined rather by custom than by law. The government was part owner, having the right to a heavy rent. Ancient ideas and even ancient laws limited the government share to some particular fraction of the gross produce, but practically there was no fixed limit. The government might make over its share to an individual, who then became possessed of the right of collection and all the other rights of the state, but not those of any private

person connected with the soil. These private rights were of various kinds. The actual cultivators, or such of them as had been long settled on the land, had a right to retain possession; it was held unlawful to evict them while they paid the rent—a rent not in general fixed by agreement, but by the custom of the neighborhood. Between the actual cultivators and the state, or the substitute to whom the state had transferred its rights, there were intermediate persons with rights of various extent. There were officers of government who collected the state's share of the produce, sometimes for large districts, who, though bound to pay over to government all they collected, after deducting a percentage, were often hereditary officers. There were also, in many cases village communities, consisting of the reputed descendants of the first settlers of a village, who shared among themselves either the land or its produce according to rules established by custom, either cultivating it themselves or employing others to cultivate it for them, and whose rights in the land approached nearer to those of a landed proprietor, as understood in England, than those of any other party concerned. But the proprietary right of the village was not

individual, but collective ; inalienable (the rights of individual sharers could only be sold or mortgaged with the consent of the community) and governed by fixed rules. In mediæval Europe almost all land was held from the sovereign on tenure of service, either military or agricultural ; and in Great Britain even now, when the services as well as all the reserved rights of the sovereign have long since fallen into disuse or been commuted for taxation, the theory of the law does not acknowledge an absolute right of property in land in any individual ; the fullest landed proprietor known to the law, the freeholder, is but a "tenant" of the Crown. In Russia, even when the cultivators of the soil were serfs of the landed proprietor, his proprietary right in the land was limited by rights of theirs belonging to them as a collective body managing its own affairs, and with which he could not interfere. And in most of the countries of continental Europe when serfage was abolished or went out of use, those who had cultivated the land as serfs remained in possession of rights as well as subject to obligations. The great land reforms of Stein and his successors in Prussia consisted in abolishing both the rights and the

obligations, and dividing the land bodily between the proprietor and the peasant, instead of leaving each of them with a limited right over the whole. In other cases, as in Tuscany, the *metayer* farmer is virtually co-proprietor with the landlord, since custom, though not law, guarantees to him a permanent possession and half the gross produce, so long as he fulfils the customary conditions of his tenure.

Again: if rights of property over the same things are of different extent in different countries, so also are they exercised over different things. In all countries at a former time, and in some countries still, the right of property extended and extends to the ownership of human beings. There has often been property in public trusts, as in judicial offices, and a vast multitude of others in France before the Revolution; there are still a few patent offices in Great Britain, though I believe they will cease by operation of law on the death of the present holders; and we are only now abolishing property in army rank. Public bodies, constituted and endowed for public purposes, still claim the same inviolable right of property in their estates which individuals have in theirs, and though a sound

political morality does not acknowledge this claim, the law supports it. We thus see that the right of property is differently interpreted, and held to be of different extent, in different times and places; that the conception entertained of it is a varying conception, has been frequently revised, and may admit of still further revision. It is also to be noticed that the revisions which it has hitherto undergone in the progress of society have generally been improvements. When, therefore, it is maintained, rightly or wrongly, that some change or modification in the powers exercised over things by the persons legally recognised as their proprietors would be beneficial to the public and conducive to the general improvement, it is no good answer to this merely to say that the proposed change conflicts with the idea of property. The idea of property is not some one thing, identical throughout history and incapable of alteration, but is variable like all other creations of the human mind; at any given time it is a brief expression denoting the rights over things conferred by the law or custom of some given society at that time; but neither on this point nor on any other has the law and custom of a given time and place a claim to be stereo-

typed for ever. A proposed reform in laws or customs is not necessarily objectionable because its adoption would imply, not the adaptation of all human affairs to the existing idea of property, but the adaptation of existing ideas of property to the growth and improvement of human affairs. This is said without prejudice to the equitable claim of proprietors to be compensated by the state for such legal rights of a proprietary nature as they may be dispossessed of for the public advantage. That equitable claim, the grounds and the just limits of it, are a subject by itself, and as such will be discussed hereafter. Under this condition, however, society is fully entitled to abrogate or alter any particular right of property which on sufficient consideration it judges to stand in the way of the public good. And assuredly the terrible case which, as we saw in a former chapter, Socialists are able to make out against the present economic order of society, demands a full consideration of all means by which the institution may have a chance of being made to work in a manner more beneficial to that large portion of society which at present enjoys the least share of its direct benefits.

THE END.

UTILITARIANISM.

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UTILITARIANISM.



CHAPTER I.

GENERAL REMARKS.

THERE are few circumstances among those which made up the present condition of human knowledge, more unlike what might have been expected, or more significant of the backward state in which speculation on the most important subjects still lingers, than the little progress which has been made in the decision of the controversy respecting the criterion of right and wrong. From the dawn of philosophy, the question concerning the *summum bonum*, or what is the same thing, concerning the foundation of morality, has been accounted the main problem in speculative thought, has occupied the most gifted intellects, and divided them into

sects and schools, carrying on a vigorous warfare against one another. And after more than two thousand years the same discussions continue, philosophers are still ranged under the same contending banners, and neither thinkers nor mankind at large seem nearer to being unanimous on the subject, than when the youth Socrates listened to the old Protagoras, and asserted (if Plato's dialogue be grounded on a real conversation) the theory of utilitarianism against the popular morality of the so-called sophist.

It is true that similar confusion and uncertainty, and in some cases similar discordance, exist respecting the first principles of all the sciences, not excepting that which is deemed the most certain of them, mathematics; without much impairing, generally indeed without impairing at all, the trustworthiness of the conclusions of those sciences. An apparent anomaly, the explanation of which is, that the detailed doctrines of a science are not usually deduced from, nor depend for their evidence upon, what are called its first principles. Were it not so,

there would be no science more precarious, or whose conclusions were more insufficiently made out, than algebra ; which derives none of its certainty from what are commonly taught to learners as its elements, since these, as laid down by some of its most eminent teachers, are as full of fictions as English law, and of mysteries as theology. The truths which are ultimately accepted as the first principles of a science, are really the last results of metaphysical analysis, practised on the elementary notions with which the science is conversant ; and their relation to the science is not that of foundations to an edifice, but of roots to a tree, which may perform their office equally well though they be never dug down to and exposed to light. But though in science the particular truths precede the general theory, the contrary might be expected to be the case with a practical art, such as morals or legislation. All action is for the sake of some end, and rules of action, it seems natural to suppose, must take their whole character and color from the end to which they are subser-

vient. When we engage in a pursuit, a clear and precise conception of what we are pursuing would seem to be the first thing we need, instead of the last we are to look forward to. A test of right and wrong must be the means, one would think, of ascertaining what is right or wrong, and not a consequence of having already ascertained it.

The difficulty is not avoided by having recourse to the popular theory of a natural faculty, a sense or instinct, informing us of right and wrong. For—besides that the existence of such a moral instinct is itself one of the matters in dispute—those believers in it who have any pretensions to philosophy, have been obliged to abandon the idea that it discerns what is right or wrong in the particular case in hand, as our other senses discern the sight or sound actually present. Our moral faculty, according to all those of its interpreters who are entitled to the name of thinkers, supplies us only with the general principles of moral judgments; it is a branch of our reason, not of our sensitive faculty; and

must be looked to for the abstract doctrines of morality, not for perception of it in the concrete. The intuitive, no less than what may be termed inductive, school of ethics, insists on the necessity of general laws. They both agree that the morality of an individual action is not a question of direct perception, but of the application of a law to an individual case. They recognize also, to a great extent, the same moral laws; but differ as to their evidence, and the source from which they derive their authority. According to the one opinion, the principles of morals are evident *à priori*, requiring nothing to command assent, except that the meaning of the terms be understood. According to the other doctrine, right and wrong, as well as truth and falsehood, are questions of observation and experience. But both hold equally that morality must be deduced from principles; and the intuitive school affirm as strongly as the inductive, that there is a science of morals. Yet they seldom attempt to make out a list of the *à priori* principles which are to serve as the premises of the

science; still more rarely do they make any effort to reduce those various principles to one first principle, or common ground of obligation. They either assume the ordinary precepts of morals as of *à priori* authority, or they lay down as the common groundwork of those maxims, some generality much less obviously authoritative than the maxims themselves, and which has never succeeded in gaining popular acceptance. Yet to support their pretensions there ought either to be some one fundamental principle or law, at the root of all morality, or if there be several, there should be a determinate order of precedence among them; and the one principle, or the rule for deciding between the various principles when they conflict, ought to be self-evident.

To inquire how far the bad effects of this deficiency have been mitigated in practice, or to what extent the moral beliefs of mankind have been vitiated or made uncertain by the absence of any distinct recognition of an ultimate standard, would imply a complete survey and criticism of past and present ethical doctrine. It would,

however, be easy to show that whatever steadiness or consistency these moral beliefs have attained, has been mainly due to the tacit influence of a standard not recognized. Although the non-existence of an acknowledged first principle has made ethics not so much a guide as a consecration of men's actual sentiments, still, as men's sentiments, both of favor and of aversion, are greatly influenced by what they suppose to be the effects of things upon their happiness, the principle of utility, or as Bentham latterly called it, the greatest happiness principle, has had a large share in forming the moral doctrines even of those who most scornfully reject its authority. Nor is there any school of thought which refuses to admit that the influence of actions on happiness is a most material and even predominant consideration in many of the details of morals, however unwilling to acknowledge it as the fundamental principle of morality, and the source of moral obligation. I might go much further, and say to all those *à priori* moralists who deem it necessary to argue at all,

utilitarian arguments are indispensable. It is not my present purpose to criticize these thinkers; but I cannot help referring, for illustration, to a systematic treatise by one of the most illustrious of them, the *Metaphysics of Ethics*, by Kant. This remarkable man, whose system of thought will long remain one of the landmarks in the history of philosophical speculation, does, in the treatise in question, lay down an universal first principle as the origin and ground of moral obligation; it is this:—‘So act, that the rule on which thou actest would admit of being adopted as a law by all rational beings.’ But when he begins to deduce from this precept any of the actual duties of morality, he fails, almost grotesquely, to show that there would be any contradiction, any logical (not to say physical) impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct. All he shows is that the *consequences* of their universal adoption would be such as no one would choose to incur.

On the present occasion, I shall, without fur-

ther discussion of the other theories, attempt to contribute something towards the understanding and appreciation of the Utilitarian or Happiness theory, and towards such proof as it is susceptible of. It is evident that this cannot be proof in the ordinary and popular meaning of the term. Questions of ultimate ends are not amenable to direct proof. Whatever can be proved to be good, must be so by being shown to be a means to something admitted to be good without proof. The medical art is proved to be good, by its conducing to health; but how is it possible to prove that health is good? The art of music is good, for the reason, among others, that it produces pleasure; but what proof is it possible to give that pleasure is good? If, then, it is asserted that there is a comprehensive formula, including all things which are in themselves good, and that whatever else is good, is not so as an end, but as a mean, the formula may be accepted or rejected, but is not a subject of what is commonly understood by proof. We are not, however, to infer that its acceptance or rejection must depend on

blind impulse, or arbitrary choice. There is a larger meaning of the word proof, in which this question is as amenable to it as any other of the disputed questions of philosophy. The subject is within the cognizance of the rational faculty ; and neither does that faculty deal with it solely in the way of intuition. Considerations may be presented capable of determining the intellect either to give or withhold its assent to the doctrine ; and this is equivalent to proof.

We shall examine presently of what nature are these considerations ; in what manner they apply to the case, and what rational grounds, therefore, can be given for accepting or rejecting the utilitarian formula. But it is a preliminary condition of rational acceptance or rejection, that the formula should be correctly understood. I believe that the very imperfect notion ordinarily formed of its meaning, is the chief obstacle which impedes its reception ; and that could it be cleared, even from only the grosser misconceptions, the question would be greatly simplified, and a large proportion of its difficulties removed.

Before, therefore, I attempt to enter into the philosophical grounds which can be given for assenting to the utilitarian standard, I shall offer some illustrations of the doctrine itself; with the view of showing more clearly what it is, distinguishing it from what it is not, and disposing of such of the practical objections to it as either originate in, or are closely connected with, mistaken interpretations of its meaning. Having thus prepared the ground, I shall afterwards endeavor to throw such light as I can upon the question, considered as one of philosophical theory.

CHAPTER II.

WHAT UTILITARIANISM IS

A PASSING remark is all that needs be given to the ignorant blunder of supposing that those who stand up for utility as the test of right and wrong, use the term in that restricted and merely colloquial sense in which utility is opposed to pleasure. An apology is due to the philosophical opponents of utilitarianism, for even the momentary appearance of confounding them with any one capable of so absurd a misconception; which is the more extraordinary, inasmuch as the contrary accusation, of referring everything to pleasure, and that too in its grossest form, is another of the common charges against utilitarianism: and, as has been pointedly remarked by an able writer, the same sort of persons, and often the very same persons, denounce the theory 'as impracticably dry when the word utility precedes the word pleasure, and

as too practicably ^{SEXUAL} voluptuous when the word pleasure precedes the word utility.' Those who know anything about the matter are aware that every writer, from Epicurus to Bentham, who maintained the theory of utility, meant by it, not something to be contradistinguished from pleasure, but pleasure itself, together with exemption from pain; and instead of opposing the useful to the agreeable or the ornamental, have always declared that the useful means these, among other things. Yet the common herd, including the herd of writers, not only in newspapers and periodicals, but in books of weight and pretension, are perpetually falling into this shallow mistake. Having caught up the word utilitarian, while knowing nothing whatever about it but its sound, they habitually express by it the rejection, or the neglect, of pleasure in some of its forms; of beauty, of ornament, or of amusement. Nor is the term thus ignorantly misapplied solely in disparagement, but occasionally in compliment; as though it implied superiority to frivolity and the mere

pleasures of the moment. And this perverted use is the only one in which the word is popularly known, and the one from which the new generation are acquiring their sole notion of its meaning. Those who introduced the word, but who had for many years discontinued it as a distinctive appellation, may well feel themselves called upon to resume it, if by doing so they can hope to contribute anything towards rescuing it from this utter degradation.*

The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By

* The author of this essay has reason for believing himself to be the first person who brought the word utilitarian into use. He did not invent it, but adopted it from a passing expression in Mr. Galt's *Annals of the Parish*. After using it as a designation for several years, he and others abandoned it from a growing dislike to anything resembling a badge or watchword of sectarian distinction. But as a name for one single opinion, not a set of opinions—to denote the recognition of utility as a standard, not any particular way of applying it—the term supplies a want in the language, and offers, in many cases, a convenient mode of avoiding tiresome circumlocution.

happiness is intended pleasure, and the absence of pain ; by unhappiness, pain, and the privation of pleasure. To give a clear view of the moral standard set up by the theory, much more requires to be said ; in particular, what things it includes in the ideas of pain and pleasure ; and to what extent this is left an open question. But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded—namely, that pleasure, and freedom from pain, are the only things desirable as ends ; and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain.

Now, such a theory of life excites in many minds, and among them in some of the most estimable in feeling and purpose, inveterate dislike. To suppose that life has (as they express it) no higher end than pleasure—no better and nobler object of desire and pursuit—they designate as utterly mean and groveling ; as a doctrine

worthy only of swine, to whom the followers of Epicurus were, at a very early period, contemptuously likened ; and modern holders of the doctrine are occasionally made the subject of equally polite comparisons by its German, French, and English assailants.

When thus attacked, the Epicureans have always answered, that it is not they, but their accusers, who represent human nature in a degrading light ; since the accusation supposes human beings to be capable of no pleasures except those of which swine are capable. If this supposition were true, the charge could not be gainsaid, but would then be no longer an imputation ; for if the sources of pleasure were precisely the same to human beings and to swine, the rule of life which is good enough for the one would be good enough for the other. The comparison of the Epicurean life to that of beasts is felt as degrading, precisely because a beast's pleasures do not satisfy a human being's conceptions of happiness. Human beings have faculties more elevated than the animal appetites, and when

once made conscious of them, do not regard anything as happiness which does not include their gratification. I do not, indeed, consider the Epicureans to have been by any means faultless in drawing out their scheme of consequences from the utilitarian principle. To do this in any sufficient manner, many Stoic, as well as Christian elements require to be included. But there is no known Epicurean theory of life which does not assign to the pleasures of the intellect, of the feelings and imagination, and of the moral sentiments, a much higher value as pleasures than to those of mere sensation. It must be admitted, however, that utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in the greater permanency, safety, uncostliness, &c., of the former—that is, in their circumstantial advantages rather than in their intrinsic nature. And on all these points utilitarians have fully proved their case; but they might have taken the other, and, as it may be called, higher ground, with entire consistency. It is quite compatible with the principle of utility

to recognise the fact, that some *kinds* of pleasure are more desirable and more valuable than others. It would be absurd that while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone.

If I am asked, what I mean by difference of quality in pleasures, or what makes one pleasure more valuable than another, merely as a pleasure, except its being greater in amount, there is but one possible answer. Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure. If one of the two is, by those who are competently acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality, so

far outweighing quantity as to render it, in comparison, of small amount.

Now it is an unquestionable fact that those who are equally acquainted with, and equally capable of appreciating and enjoying, both, do give a most marked preference to the manner of existence which employs their higher faculties. Few human creatures would consent to be changed into any of the lower animals, for a promise of the fullest allowance of a beast's pleasures; no intelligent human being would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs. They would not resign what they possess more than he, for the most complete satisfaction of all the desires which they have in common with him. If they ever fancy they would, it is only in cases of unhappiness so extreme, that to escape from it they would exchange their lot for almost any

other, however undesirable in their own eyes. A being of higher faculties requires more to make him happy, is capable probably of more acute suffering, and is certainly accessible to it at more points, than one of an inferior type ; but in spite of these liabilities, he can never really wish to sink into what he feels to be a lower grade of existence. We may give what explanation we please of this unwillingness ; we may attribute it to pride, a name which is given indiscriminately to some of the most and to some of the least estimable feelings of which mankind are capable ; we may refer it to the love of liberty and personal independence, an appeal to which was with the Stoics one of the most effective means for the inculcation of it : to the love of power, or to the love of excitement, both of which do really enter into and contribute to it : but its most appropriate appellation is a sense of dignity, which all human beings possess in one form or other, and in some, though by no means in exact, proportion to their higher faculties, and which is so essential a part of the

happiness of those in whom it is strong, that nothing which conflicts with it could be, otherwise than momentarily, an object of desire to them. Whoever supposes that this preference takes place at a sacrifice of happiness—that the superior being, in anything like equal circumstances, is not happier than the inferior—confounds the two very different ideas, of happiness, and content. It is indisputable that the being whose capacities of enjoyment are low, has the greatest chance of having them fully satisfied; and a higher-endowed being will always feel that any happiness which he can look for, as the world is constituted, is imperfect. But he can learn to bear its imperfections, if they are at all bearable; and they will not make him envy the being who is indeed unconscious of the imperfections, but only because he feels not at all the good which those imperfections qualify. It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, is of a different opinion, it is because they only

know their own side of the question. The other party to the comparison knows both sides.

It may be objected, that many who are capable of the higher pleasures, occasionally, under the influence of temptation, postpone them to the lower. But this is quite compatible with a full appreciation of the intrinsic superiority of the higher. Men often, from infirmity of character, make their election for the nearer good, though they know it to be the less valuable; and this no less when the choice is between two bodily pleasures, than when it is between bodily and mental. They pursue sensual indulgences to the injury of health, though perfectly aware that health is the greater good. It may be further objected, that many who begin with youthful enthusiasm for everything noble, as they advance in years sink into indolence and selfishness. But I do not believe that those who undergo this very common change, voluntarily choose the lower description of pleasures in preference to the higher. I believe that before they devote themselves exclusively

to the one, they have already become incapable of the other. Capacity for the nobler feelings is in most natures a very tender plant, easily killed, not only by hostile influences, but by mere want of sustenance; and in the majority of young persons it speedily dies away if the occupations to which their position in life has devoted them, and the society into which it has thrown them, are not favorable to keeping that higher capacity in exercise. Men lose their high aspirations as they lose their intellectual tastes, because they have not time or opportunity for indulging them; and they addict themselves to inferior pleasures, not because they deliberately prefer them, but because they are either the only ones to which they have access, or the only ones which they are any longer capable of enjoying. It may be questioned whether any one who has remained equally susceptible to both classes of pleasures, ever knowingly and calmly preferred the lower; though many, in all ages, have

broken down in an ineffectual attempt to combine both.

From this verdict of the only competent judges, I apprehend there can be no appeal. On a question which is the best worth having of two pleasures, or which of two modes of existence is the most grateful to the feelings, apart from its moral attributes and from its consequences, the judgment of those who are qualified by knowledge of both, or, if they differ, that of the majority among them, must be admitted as final. And there needs be the less hesitation to accept this judgment respecting the quality of pleasures, since there is no other tribunal to be referred to even on the question of quantity. What means are there of determining which is the acutest of two pains, or the intensest of two pleasurable sensations, except the general suffrage of those who are familiar with both? Neither pains nor pleasures are homogeneous, and pain is always heterogeneous with pleasure. What is there to decide whether a particular pleasure is worth purchasing at the cost of a particular pain,

except the feelings and judgment of the experienced? When, therefore, those feelings and judgment declare the pleasures derived from the higher faculties to be preferable *in kind*, apart from the question of intensity, to those of which the animal nature, disjoined from the higher faculties, is susceptible, they are entitled on this subject to the same regard.

I have dwelt on this point, as being a necessary part of a perfectly just conception of Utility or Happiness, considered as the directive rule of human conduct. But it is by no means an indispensable condition to the acceptance of the utilitarian standard; for that standard is not the agent's own greatest happiness, but the greatest amount of happiness altogether; and if it may possibly be doubted whether a noble character is always the happier for its nobleness, there can be no doubt that it makes other people happier, and that the world in general is immensely a gainer by it. Utilitarianism, therefore, could only attain its end by the general cultivation of nobleness of character, even if each

individual were only benefited by the nobleness of others, and his own, so far as happiness is concerned, were a sheer deduction from the benefit. But the bare enunciation of such an absurdity as this last, renders refutation superfluous.

According to the Greatest Happiness Principle, as above explained, the ultimate end, with reference to and for the sake of which all other things are desirable (whether we are considering our own good or that of other people), is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality; the test of quality, and the rule for measuring it against quantity, being the preference felt by those who, in their opportunities of experience, to which must be added their habits of self-consciousness and self-observation, are best furnished with the means of comparison. This, being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality; which may accordingly be defined, the rules and precepts for

human conduct, by the observance of which an existence such as has been-described might be, to the greatest extent possible, secured to all mankind; and not to them only, but, so far as the nature of things admits, to the whole sentient creation.

Against this doctrine, however, arises another class of objectors, who say that happiness, in any form, cannot be the rational purpose of human life and action; because, in the first place, it is unattainable: and they contemptuously ask, What right hast thou to be happy? a question which Mr. Carlyle clenches by the addition, What right, a short time ago, hadst thou even *to be*? Next, they say, that men can do *without* happiness; that all noble human beings have felt this, and could not have become noble but by learning the lesson of Entsagen, or renunciation; which lesson, thoroughly learnt and submitted to, they affirm to be the beginning and necessary condition of all virtue.

The first of these objections would go to the root of the matter were it well founded; for if no

happiness is to be had at all by human beings, the attainment of it cannot be the end of morality, or of any rational conduct. Though, even in that case, something might still be said for the utilitarian theory; since utility includes not solely the pursuit of happiness, but the prevention or mitigation of unhappiness; and if the former aim be chimerical, there will be all the greater scope and more imperative need for the latter, so long at least as mankind think fit to live, and do not take refuge in the simultaneous act of suicide recommended under certain conditions by Novalis. When, however, it is thus positively asserted to be impossible that human life should be happy, the assertion, if not something like a verbal quibble, is at least an exaggeration. If by happiness be meant a continuity of highly pleasurable excitement, it is evident enough that this is impossible. A state of exalted pleasure lasts only moments, or in some cases, and with some intermissions, hours or days, and is the occasional brilliant flash of enjoyment, not its permanent and steady flame.

Of this the philosophers who have taught that happiness is the end of life were as fully aware as those who taunt them. The happiness which they meant was not a life of rapture; but moments of such, in an existence made up of few and transitory pains, many and various pleasures, with a decided predominance of the active over the passive, and having as the foundation of the whole, not to expect more from life than it is capable of bestowing. A life thus composed, to those who have been fortunate enough to obtain it, has always appeared worthy of the name of happiness. And such an existence is even now the lot of many, during some considerable portion of their lives. The present wretched education, and wretched social arrangements, are the only real hindrance to its being attainable by almost all.

The objectors perhaps may doubt whether human beings, if taught to consider happiness as the end of life, would be satisfied with such a moderate share of it. But great numbers of mankind have been satisfied with much less.

The main constituents of a satisfied life appear to be two, either of which by itself is often found sufficient for the purpose: tranquillity, and excitement. With much tranquillity, many find that they can be content with very little pleasure: with much excitement, many can reconcile themselves to a considerable quantity of pain. There is assuredly no inherent impossibility in enabling even the mass of mankind to unite both; since the two are so far from being incompatible that they are in natural alliance, the prolongation of either being a preparation for, and exciting a wish for, the other. It is only those in whom indolence amounts to a vice, that do not desire excitement after an interval of repose; it is only those in whom the need of excitement is a disease, that feel the tranquillity which follows excitement dull and insipid, instead of pleasurable in direct proportion to the excitement which preceded it. When people who are tolerably fortunate in their outward lot do not find in life sufficient enjoyment to make it valuable to them, the cause generally is, caring for

nobody but themselves. To those who have neither public nor private affections, the excitements of life are much curtailed, and in any case dwindle in value as the time approaches when all selfish interests must be terminated by death: while those who leave after them objects of personal affection, and especially those who have also cultivated a fellow-feeling with the collective interests of mankind, retain as lively an interest in life on the eve of death as in the vigor of youth and health. Next to selfishness, the principal cause which makes life unsatisfactory, is want of mental cultivation. A cultivated mind—I do not mean that of a philosopher, but any mind to which the fountains of knowledge have been opened, and which has been taught, in any tolerable degree, to exercise its faculties—find sources of inexhaustible interest in all that surrounds it; in the objects of nature, the achievements of art, the imaginations of poetry, the incidents of history, the ways of mankind past and present, and their prospects in the future. It is possible, indeed, to become indiffer-

ent to all this, and that too without having exhausted a thousandth part of it; but only when one has had from the beginning no moral or human interest in these things, and has sought in them only the gratification of curiosity.

Now there is absolutely no reason in the nature of things why an amount of mental culture sufficient to give an intelligent interest in these objects of contemplation, should not be the inheritance of every one born in a civilized country. As little is there an inherent necessity that any human being should be a selfish egotist, devoid of every feeling or care but those which centre in his own miserable individuality. Something far superior to this is sufficiently common even now, to give ample earnest of what the human species may be made. Genuine private affections, and a sincere interest in the public good, are possible, though in unequal degrees, to every rightly brought up human being. In a world in which there is so much to interest, so much to enjoy, and so much also to correct and

improve, every one who has this moderate amount of moral and intellectual requisites is capable of an existence which may be called enviable; and unless such a person, through bad laws, or subjection to the will of others, is denied the liberty to use the sources of happiness within his reach, he will not fail to find this enviable existence, if he escape the positive evils of life, the great sources of physical and mental suffering—such as indigence, disease, and the unkindness, worthlessness, or premature loss of objects of affection. The main stress of the problem lies, therefore, in the contest with these calamities, from which it is a rare good fortune entirely to escape; which, as things now are, cannot be obviated, and often cannot be in any material degree mitigated. Yet no one whose opinion deserves a moment's consideration can doubt that most of the great positive evils of the world are in themselves removable, and will, if human affairs continue to improve, be in the end reduced within narrow limits. Poverty, in any sense implying suffering, may be completely extin-

guished by the wisdom of society, combined with the good sense and providence of individuals. Even that most intractable of enemies, disease, may be indefinitely reduced in dimensions by good physical and moral education, and proper control of noxious influences; while the progress of science holds out a promise for the future of still more direct conquests over this detestable foe. And every advance in that direction relieves us from some, not only of the chances which cut short our own lives, but, what concerns us still more, which deprives us of those in whom our happiness is wrapt up. As for vicissitudes of fortune, and other disappointments connected with worldly circumstances, these are principally the effect either of gross imprudence, of ill-regulated desires, or of bad or imperfect social institutions. All the grand sources, in short, of human suffering are in a great degree, many of them almost entirely, conquerable by human care and effort; and though their removal is grievously slow—though a long succession of generations will perish in the breach before the

conquest is completed, and this world becomes all that, if will and knowledge were not wanting, it might easily be made—yet every mind sufficiently intelligent and generous to bear a part, however small and unobtrusive, in the endeavor, will draw a noble enjoyment from the contest itself, which he would not for any bribe in the form of selfish indulgence consent to be without.

And this leads to the true estimation of what is said by the objectors concerning the possibility, and the obligation, of learning to do without happiness. Unquestionably it is possible to do without happiness; it is done involuntarily by nineteen-twentieths of mankind, even in those parts of our present world which are least deep in barbarism; and it often has to be done voluntarily by the hero or the martyr, for the sake of something which he prizes more than his individual happiness. But this something, what is it, unless the happiness of others, or some of the requisites of happiness? It is noble to be capable of resigning entirely one's own portion

of happiness, or chances of it ; but, after all, this self-sacrifice must be for some end ; it is not its own end ; and if we are told that its end is not happiness, but virtue, which is better than happiness, I ask, would the sacrifice be made if the hero or martyr did not believe that it would earn for others immunity from similar sacrifices ? Would it be made, if he thought that his renunciation of happiness for himself would produce no fruit for any of his fellow creatures, but to make their lot like his, and place them also in the condition of persons who have renounced happiness ? All honor to those who can abnegate for themselves the personal enjoyment of life, when by such renunciation they contribute worthily to increase the amount of happiness in the world ; but he who does it, or professes to do it, for any other purpose, is no more deserving of admiration than the ascetic mounted on his pillar. He may be an inspiring proof of what men *can* do, but assuredly not an example of what they *should*.

Though it is only in a very imperfect state of

the world's arrangements that any one can best serve the happiness of others by the absolute sacrifice of his own, yet so long as the world is in that imperfect state, I fully acknowledge that the readiness to make such a sacrifice is the highest virtue which can be found in man. I will add, that in this condition of the world, paradoxical as the assertion may be, the conscious ability to do without happiness gives the best prospect of realizing such happiness as is attainable. For nothing except that consciousness can raise a person above the chances of life, by making him feel that, let fate and fortune do their worst, they have not power to subdue him : which, once felt, frees him from excess of anxiety concerning the evils of life, and enables him, like many a Stoic in the worst times of the Roman Empire, to cultivate in tranquillity the sources of satisfaction accessible to him, without concerning himself about the uncertainty of their duration, any more than about their inevitable end.

Meanwhile, let utilitarians never cease to claim

the morality of self-devotion as a possession which belongs by as good a right to them, as either to the Stoic or to the Transcendentalist. The utilitarian morality does recognise in human beings the power of sacrificing their own greatest good for the good of others. It only refuses to admit that the sacrifice is itself a good. A sacrifice which does not increase, or tend to increase, the sum total of happiness, it considers as wasted. The only self-renunciation which it applauds, is devotion to the happiness, or to some of the means of happiness, of others ; either of mankind collectively, or of individuals within the limits imposed by the collective interests of mankind.

I must again repeat what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and

benevolent spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as one would be done by, and to love one's neighbor as oneself, constitute the ideal perfection of utilitarian morality. As the means of making the nearest approach to this ideal, utility would enjoin, first, that laws and social arrangements should place the happiness, or (as speaking practically it may be called) the interest of every individual, as nearly as possible in harmony with the interest of the whole; and secondly, that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole; especially between his own happiness and the practice of such modes of conduct, negative and positive, as regard for the universal happiness prescribes: so that not only he may be unable to conceive the possibility of happiness to himself, consistently with conduct opposed to the general good,

but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action, and the sentiments connected therewith may fill a large and prominent place in every human being's sentient existence. If the impugnors of the utilitarian morality represented it to their own minds in this its true character, I know not what recommendation possessed by any other morality they could possibly affirm to be wanting to it: what more beautiful or more exalted developments of human nature any other ethical system can be supposed to foster, or what springs of action, not accessible to the utilitarian, such systems rely on for giving effect to their mandates.

The objectors to utilitarianism cannot always be charged with representing it in a discreditable light. On the contrary, those among them who entertain anything like a just idea of its disinterested character, sometimes find fault with its standard as being too high for humanity. They say it is exacting too much to require that people shall always act from the inducement of pro-

moting the general interests of society. But this is to mistake the very meaning of a standard of morals, and to confound the rule of action with the motive of it. It is the business of ethics to tell us what are our duties, or by what test we may know them; but no system of ethics requires that the sole motive of all we do shall be a feeling of duty; on the contrary, ninety-nine hundredths of all our actions are done from other motives, and rightly so done, if the rule of duty does not condemn them. It is the more unjust to utilitarianism that this particular misapprehension should be made a ground of objection to it, inasmuch as utilitarian moralists have gone beyond almost all others in affirming that the motive has nothing to do with the morality of the action, though much with the worth of the agent. He who saves a fellow creature from drowning does what is morally right, whether his motive be duty, or the hope of being paid for his trouble: he who betrays the friend that trusts him, is guilty of a crime, even if his object be to serve another friend to whom he is under greater

obligations.* But to speak only of actions done

* An opponent, whose intellectual and moral fairness it is a pleasure to acknowledge (the Rev. J. Llewellyn Davis) has objected to this passage, saying, "Surely the rightness or wrongness of saving a man from drowning does depend very much upon the motive with which it is done. Suppose that a tyrant, when his enemy jumped into the sea to escape from him, saved him from drowning simply in order that he might inflict upon him more exquisite tortures, would it tend to clearness to speak of that rescue as 'a morally right action?' Or suppose again, according to one of the stock illustrations of ethical inquiries, that a man betrayed a trust received from a friend, because the discharge of it would fatally injure that friend himself or some one belonging to him, would utilitarianism compel one to call the betrayal 'a crime' as much as if it had been done from the meanest motive?"

I submit, that he who saves another from drowning in order to kill him by torture afterwards, does not differ only in motive from him who does the same thing from duty or benevolence; the act itself is different. The rescue of the man is, in the case supposed, only the necessary first step of an act far more atrocious than leaving him to drown would have been. Had Mr. Davis said, "The rightness or wrongness of saving a man from drowning does depend very much"—not upon the motive, but—"upon the *intention*," no utilitarian would have differed from him. Mr. Davis, by an oversight too common not to be quite venial, has in this case confounded the very different ideas of Motive and Intention. There is no point which utilitarian thinkers (and Bentham pre-eminently) have taken more pains to illustrate than this. The morality of the action depends entirely upon the intention—that is, upon what the agent *wills to do*. But the motive, that is, the feeling which makes him will so to do, when it makes no difference in the act, makes none in the morality: though it makes a great difference in our moral estimation of the agent, especially if it indicates a good or a bad habitual *disposition*—a bent of character from which useful, or from which hurtful actions are likely to arise.

from the motive of duty, and in direct obedience to principle: it is a misapprehension of the utilitarian mode of thought, to conceive it as implying that people should fix their minds upon so wide a generality as the world or society at large. The great majority of good actions are intended, not for the benefit of the world, but for that of individuals, of which the good of the world is made up; and the thoughts of the most virtuous man need not on these occasions travel beyond the particular persons concerned, except so far as is necessary to assure himself that in benefiting them he is not violating the rights—that is, the legitimate and authorized expectations—of any one else. The multiplication of happiness is, according to the utilitarian ethics, the object of virtue: the occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale, in other words, to be a public benefactor, are but exceptional; and on these occasions alone is he called on to consider public utility; in every other case, private utility, the interest or happiness of

some few persons, is all he has to attend to. Those alone the influence of whose actions extends to society in general, need concern themselves habitually about so large an object. In the case of abstinences indeed—of things which people forbear to do, from moral considerations, though the consequences in the particular case might be beneficial—it would be unworthy of an intelligent agent not to be consciously aware that the action is of a class which, if practised generally, would be generally injurious, and that this is the ground of the obligation to abstain from it. The amount of regard for the public interest implied in this recognition, is no greater than is demanded by every system of morals; for they all enjoin to abstain from whatever is manifestly pernicious to society.

The same considerations dispose of another reproach against the doctrine of utility, founded on a still grosser misconception of the purpose of a standard of morality, and of the very meaning of the words right and wrong. It is often affirmed that utilitarianism renders men cold

and unsympathizing ; that it chills their moral feelings towards individuals ; that it makes them regard only the dry and hard consideration of the consequences of actions, not taking into their moral estimate the qualities from which those actions emanate. If the assertion means that they do not allow their judgement respecting the rightness or wrongness of an action to be influenced by their opinion of the qualities of the person who does it, this is a complaint not against utilitarianism, but against having any standard of morality at all ; for certainly no known ethical standard decides an action to be good or bad because it is done by a good or a bad man, still less because done by an amiable, a brave, or a benevolent man, or the contrary. These considerations are relevant, not to the estimation of actions, but of persons ; and there is nothing in the utilitarian theory inconsistent with the fact that there are other things which interest us in persons besides the rightness and wrongness of their actions. The Stoics, indeed, with the paradoxical misuse of language which

was part of their system, and by which they strove to raise themselves above all concern about anything but virtue, were fond of saying that he who has that has everything ; that he, and only he, is rich, is beautiful, is a king. But no claim of this description is made for the virtuous man by the utilitarian doctrine. Utilitarians are quite aware that there are other desirable possessions and qualities besides virtue, and are perfectly willing to allow to all of them their full worth. They are also aware that a right action does not necessarily indicate a virtuous character, and that actions which are blamable often proceed from qualities entitled to praise. When this is apparent in any particular case, it modifies their estimation, not certainly of the act, but of the agent. I grant that they are, notwithstanding, of opinion, that in the long run the best proof of a good character is good actions ; and resolutely refuse to consider any mental disposition as good, of which the predominant tendency is to produce bad conduct. This makes them unpopular with many people ;

but it is an unpopularity which they must share with every one who regards the distinction between right and wrong in a serious light and the reproach is not one which a conscientious utilitarian need be anxious to repel.

If no more be meant by the objection than that many utilitarians look on the morality of actions, as measured by the utilitarian standard, with too exclusive a regard, and do not lay sufficient stress upon the other beauties of character which go towards making a human being loveable or admirable, this may be admitted. Utilitarians who have cultivated their moral feelings, but not their sympathies nor their artistic perceptions, do fall into this mistake; and so do all other moralists under the same conditions. What can be said in excuse for other moralists is equally available for them, namely, that if there is to be any error, it is better that it should be on that side. As a matter of fact, we may affirm that among utilitarians as among adherents of other systems, there is every imaginable degree of rigidity and of laxity in the applica-

tion of their standard: some are even puritanically rigorous, while others are as indulgent as can possibly be desired by either sinner or by sentimentalist. But on the whole, a doctrine which brings prominently forward the interest that mankind have in the repression and prevention of conduct which violates the moral law, is likely to be inferior to no other in turning the sanctions of opinion against such violations. It is true, the question, What does violate the moral law? is one of which those who recognise different standards of morality are likely now and then to differ. But difference of opinion on moral questions was not first introduced into the world by utilitarianism, while that doctrine does supply, if not always an easy, at all events a tangible and intelligible mode of deciding such differences.

It may not be superfluous to notice a few more of the common misapprehensions of utilitarian ethics, even those which are so obvious and gross that it might appear impossible for any person of candor and intelligence to fall

into them : since persons, even of considerable mental endowments, often give themselves so little trouble to understand the bearings of any opinion against which they entertain a prejudice, and men are in general so little conscious of this voluntary ignorance as a defect, that the vulgar-est misunderstandings of ethical doctrines are continually met with in the deliberate writings of persons of the greatest pretensions both to high principle and to philosophy. We not uncommonly hear the doctrine of utility inveighed against as a *godless* doctrine. If it be necessary to say anything at all against so mere an assumption, we may say that the question depends upon what idea we have formed of the moral character of the Deity. If it be a true belief that God desires, above all things, the happiness of his creatures, and that this was his purpose in their creation, utility is not only not a godless doctrine, but more profoundly religious than any other. If it be meant that utilitarianism does not recognise the revealed will of God as the supreme law of morals, I answer, that an utilitarian who

believes in the perfect goodness and wisdom of God, necessarily believes that whatever God has thought fit to reveal on the subject of morals, must fulfil the requirements of utility in a supreme degree. But others besides utilitarians have been of opinion that the Christian revelation was intended, and is fitted, to inform the hearts and minds of mankind with a spirit which should enable them to find for themselves what is right, and incline them to do it when found, rather than to tell them, except in a very general way, what it is : and that we need a doctrine of ethics, carefully followed out, to *interpret* to us the will of God. Whether this opinion is correct or not, it is superfluous here to discuss ; since whatever aid religion, either natural or revealed, can afford to ethical investigation, is as open to the utilitarian moralist as to any other. He can use it as the testimony of God to the usefulness or hurtfulness of any given course of action, by as good a right as others can use it for the indication of a transcendental law, having no connexion with usefulness or with happiness.

Again, Utility is often summarily stigmatized as an immoral doctrine by giving it the name of Expediency, and taking advantage of the popular use of that term to contrast it with Principle. But the Expedient in the sense in which it is opposed to the Right, generally means that which is expedient for the particular interest of the agent himself; as when a minister sacrifices the interest of his country to keep himself in place. When it means anything better than this, it means that which is expedient for some immediate object, some temporary purpose, but which violates a rule whose observance is expedient in a much higher degree. The Expedient, in this sense, instead of being the same thing with the useful, is a branch of the hurtful. Thus, it would often be expedient, for the purpose of getting over some momentary embarrassment, or attaining some object immediately useful to ourselves or others, to tell a lie. But inasmuch as the cultivation in ourselves of a sensitive feeling on the subject of veracity, is one of the most useful,

and the enfeeblement of that feeling one of the most hurtful, things to which our conduct can be instrumental; and inasmuch as any, even unintentional, deviation from truth, does that much towards weakening the trustworthiness of human assertion, which is not only the principal support of all present social well-being, but the insufficiency of which does more than any one thing that can be named to keep back civilisation, virtue, everything on which human happiness on the largest scale depends; we feel that the violation, for a present advantage, of a rule of such transcendent expediency, is not expedient, and that he who, for the sake of a convenience to himself or to some other individual, does what depends on him to deprive mankind of the good, and inflict upon them the evil, involved in the greater or less reliance which they can place in each other's word, acts the part of one of their worst enemies. Yet that even this rule, sacred as it is, admits of possible exceptions, is acknowledged by all moralists; the chief of which is when the withholding of some fact (as of infor-

mation from a malefactor, or of bad news from a person dangerously ill) would preserve some one (especially a person other than oneself) from great and unmerited evil, and when the withholding can only be effected by denial. But in order that the exception may not extend itself beyond the need, and may have the least possible effect in weakening reliance on veracity, it ought to be recognised, and, if possible, its limits defined; and if the principle of utility is good for anything, it must be good for weighing these conflicting utilities against one another, and marking out the region within which one or the other preponderates.

Again, defenders of utility often find themselves called upon to reply to such objections as this—that there is not time, previous to action, for calculating and weighing the effects of any line of conduct on the general happiness. This is exactly as if any one were to say that it is impossible to guide our conduct by Christianity, because there is not time, on every occasion on which anything has to be done, to read through

the Old and New Testaments. The answer to the objection is, that there has been ample time, namely, the whole past duration of the human species. During all that time mankind have been learning by experience the tendencies of actions; on which experience all the prudence, as well as all the morality of life, is dependent. People talk as if the commencement of this course of experience had hitherto been put off, and as if, at the moment when some man feels tempted to meddle with the property or life of another, he had to begin considering for the first time whether murder and theft are injurious to human happiness. Even then I do not think that he would find the question very puzzling; but, at all events, the matter is now done to his hand. It is truly a whimsical supposition, that if mankind were agreed in considering utility to be the test of morality, they would remain without any agreement as to what is useful, and would take no measures for having their notions on the subject taught to the young, and enforced by law and opinion. There is no difficulty in proving any

ethical standard whatever to work ill, if we suppose universal idiocy to be conjoined with it, but on any hypothesis short of that, mankind must by this time have acquired positive beliefs as to the effects of some actions on their happiness; and the beliefs which have thus come down are the rules of morality for the multitude, and for the philosopher until he has succeeded in finding better. That philosophers might easily do this, even now, on many subjects; that the received code of ethics is by no means of divine right; and that mankind have still much to learn as to the effects of actions on the general happiness, I admit, or rather, earnestly maintain. The corollaries from the principle of utility, like the precepts of every practical art, admit of indefinite improvement, and, in a progressive state of the human mind, their improvement is perpetually going on. But to consider the rules of morality as improvable, is one thing; to pass over the intermediate generalizations entirely, and endeavor to test each individual action directly by the first principle is another. It is a strange

notion that the acknowledgment of a first principle is inconsistent with the admission of secondary ones. To inform a traveller respecting the place of his ultimate destination, is not to forbid the use of land-marks and direction-posts on the way. The proposition that happiness is the end and aim of morality, does not mean that no road ought to be laid down to that goal, or that persons going thither should not be advised to take one direction rather than another. Men really ought to leave off talking a kind of nonsense on this subject, which they would neither talk nor listen to on other matters of practical concernment. Nobody argues that the art of navigation is not founded on astronomy, because sailors cannot wait to calculate the Nautical Almanack. Being rational creatures, they go to sea with it ready calculated; and all rational creatures go out upon the sea of life with their minds made up on the common questions of right and wrong, as well as on many of the far more difficult questions of wise and foolish. And this, as long as foresight is a human quality, it is to be pre-

sumed they will continue to do. Whatever we adopt as the fundamental principle of morality, we require subordinate principles to apply it by: the impossibility of doing without them, being common to all systems, can afford no argument against any one in particular: but gravely to argue as if no such secondary principles could be had, and as if mankind had remained till now, and always must remain, without drawing any general conclusions from the experience of human life, is as high a pitch, I think, as absurdity has ever reached in philosophical controversy.

The remainder of the stock arguments against utilitarianism mostly consist in laying to its charge the common infirmities of human nature, and the general difficulties which embarrass conscientious persons in shaping their course through life. We are told that an utilitarian will be apt to make his own particular case an exception to moral rules, and, when under temptation, will see an utility in the breach of a rule, greater than he will see in its observance. But is utility the

only creed which is able to furnish us with excuses for evil doing, and means of cheating our own conscience? They are afforded in abundance by all doctrines which recognize as a fact in morals the existence of conflicting considerations; which all doctrines do, that have been believed by sane persons. It is not the fault of any creed, but of the complicated nature of human affairs, that rules of conduct cannot be so framed as to require no exceptions, and that hardly any kind of action can safely be laid down as either always obligatory or always condemnable. There is no ethical creed which does not temper the rigidity of its laws, by giving a certain latitude, under the moral responsibility of the agent, for accommodation to peculiarities of circumstances; and under every creed, at the opening thus made, self-deception and dishonest casuistry get in. There exists no moral system under which there do not arise unequivocal cases of conflicting obligation. These are the real difficulties, the knotty points both in the theory of ethics, and in the conscientious guidance of

personal conduct. They are overcome practically with greater or with less success according to the intellect and virtue of the individual ; but it can hardly be pretended that any one will be the less qualified for dealing with them, from possessing an ultimate standard to which conflicting rights and duties can be referred. If utility is the ultimate source of moral obligations, utility may be invoked to decide between them when their demands are incompatible. Though the application of the standard may be difficult, it is better than none at all : while in other systems, the moral laws all claiming independent authority, there is no common umpire entitled to interfere between them ; their claims to precedence one over another rest on little better than sophistry, and unless determined, as they generally are, by the unacknowledged influence of considerations of utility, afford a free scope for the action of personal desires and partialities. We must remember that only in these cases of conflict between secondary principles is it requisite that first principles should be appealed to. There is

no case of moral obligation in which some secondary principle is not involved ; and if only one, there can seldom be any real doubt which one it is, in the mind of any person by whom the principle itself is recognised

CHAPTER III.

OF THE ULTIMATE SANCTION OF THE PRINCIPLE
OF UTILITY.

THE question is often asked, and properly so, in regard to any supposed moral standard — What is its sanction? what are the motives to obey it? or more specifically, what is the source of its obligation? whence does it derive its binding force? It is a necessary part of moral philosophy to provide the answer to this question; which, though frequently assuming the shape of an objection to the utilitarian morality, as if it had some special applicability to that above others, really arises in regard to all standards. It arises, in fact, whenever a person is called on to *adopt* a standard or refer morality to any basis on which he has not been accustomed to rest it. For the customary morality, that which education and opinion have consecrated, is the only one which presents itself to the mind with

the feeling of being *in itself* obligatory ; and when a person is asked to believe that this morality *derives* its obligation from some general principle round which custom has not thrown the same halo, the assertion is to him a paradox ; the supposed corollaries seem to have a more binding force than the original theorem ; the superstructure seems to stand better without, than with, what is represented as its foundation. He says to himself, I feel that I am bound not to rob or murder, betray or deceive ; but why am I bound to promote the general happiness ? If my own happiness lies in something else, why may I not give that the preference ?

If the view adopted by the utilitarian philosophy of the nature of the moral sense be correct, this difficulty will always present itself, until the influences which form moral character have taken the same hold of the principle which they have taken of some of the consequences—until, by the improvement of education, the feeling of unity with our fellow creatures shall be (what it

cannot be doubted that Christ intended it to be) as deeply rooted in our character, and to our own consciousness as completely a part of our nature, as the horror of crime is in an ordinarily well-brought-up young person. In the mean time, however, the difficulty has no peculiar application to the doctrine of utility, but is inherent in every attempt to analyse morality and reduce it to principles; which, unless the principle is already in men's minds invested with as much sacredness as any of its applications, always seems to divest them of a part of their sanctity.

The principle of utility either has, or there is no reason why it might not have, all the sanctions which belong to any other system of morals. Those sanctions are either external or internal. Of the external sanctions it is not necessary to speak at any length. They are, the hope of favor and the fear of displeasure from our fellow creatures or from the Ruler of the Universe, along with whatever we may have of sympathy or affection for them or of love and awe of Him, inclining us to do His will independently of

selfish consequences. There is evidently no reason why all these motives for observance should not attach themselves to the utilitarian morality, as completely and as powerfully as any other. Indeed, those of them which refer to our fellow creatures are sure to do so, in proportion to the amount of general intelligence ; for whether there be any other ground of moral obligation than the general happiness or not, men do desire happiness; and however imperfect may be their own practice, they desire and commend all conduct in others towards themselves, by which they think their happiness is promoted. With regard to the religious motive, if men believe, as most profess to do, in the goodness of God, those who think that conduciveness to the general happiness is the essence, or even only the criterion, of good, must necessarily believe that it is also that which God approves. The whole force therefore of external reward and punishment, whether physical or moral, and whether proceeding from God or from our fellow men, together with all that the capacities of human

nature admit, of disinterested devotion to either, become available to enforce the utilitarian morality, in proportion as that morality is recognized ; and the more powerfully, the more the appliances of education and general cultivation are bent to the purpose.

So far as to external sanctions. The internal sanction of duty, whatever our standard of duty may be, is one and the same—a feeling in our own mind ; a pain, more or less intense, attendant on violation of duty, which in properly-cultivated moral natures rises, in the more serious cases, into shrinking from it as an impossibility. This feeling, when disinterested, and connecting itself with the pure idea of duty, and not with some particular form of it, or with any of the merely accessory circumstances, is the essence of Conscience ; though in that complex phenomenon as it actually exists, the simple fact is in general all encrusted over with collateral associations, derived from sympathy, from love, and still more from fear ; from all the forms of religious feeling ; from the recollections of childhood and of

all our past life ; from self-esteem, desire of the esteem of others, and occasionally even self-abasement. This extreme complication is, I apprehend, the origin of the sort of mystical character, which, by a tendency of the human mind of which there are many other examples, is apt to be attributed to the idea of moral obligation, and which leads people to believe that the idea cannot possibly attach itself to any other objects than those which, by a supposed mysterious law, are found in our present experience to excite it. Its binding force, however, consists in the existence of a mass of feeling which must be broken through in order to do what violates our standard of right, and which, if we do nevertheless violate that standard, will probably have to be encountered afterwards in the form of remorse. Whatever theory we have of the nature or origin of conscience, this is what essentially constitutes it.

The ultimate sanction, therefore, of all morality (external motives apart) being a subjective feeling in our own minds, I see nothing embarrassing to those whose standard is utility, in the

question, what is the sanction of that particular standard? We may answer, the same as of all other moral standards—the conscientious feelings of mankind. Undoubtedly this sanction has no binding efficacy on those who do not possess feelings it appeals to; but neither will these persons be more obedient to any other moral principle than to the utilitarian one. On them morality of any kind has no hold but through the external sanctions. Meanwhile the feelings exist, a fact in human nature, the reality of which, and the great power with which they are capable of acting on those in whom they have been duly cultivated, are proved by experience. No reason has ever been shown why they may not be cultivated to as great intensity in connection with the utilitarian, as with any other rule of morals.

There is, I am aware, a disposition to believe that a person who sees in moral obligation a transcendental fact, an objective reality belonging to the province of 'Things in themselves,' is likely to be more obedient to it than one who

believes it to be entirely subjective, having its seat in human consciousness only. But whatever a person's opinion may be on this point of Ontology, the force he is really urged by is his own subjective feeling, and is exactly measured by its strength. No one's belief that Duty is an objective reality is stronger than the belief that God is so ; yet the belief in God, apart from the expectation of actual reward and punishment, only operates on conduct through, and in proportion to, the subjective religious feeling. The sanction, so far as it is disinterested, is always in the mind itself ; and the notion, therefore, of the transcendental moralists must be, that this sanction will not exist *in* the mind unless it is believed to have its root out of the mind ; and that if a person is able to say to himself, That which is restraining me, and which is called my conscience, is only a feeling in my own mind, he may possibly draw the conclusion that when the feeling ceases the obligation ceases, and that if he find the feeling inconvenient, he may disregard it, and endeavor to get rid of it. But is this danger confined to

the utilitarian morality? Does the belief that moral obligation has its seat outside the mind make the feeling of it too strong to be got rid of? The fact is so far otherwise, that all moralists admit and lament the ease with which, in the generality of minds, conscience can be silenced or stifled. The question, Need I obey my conscience? is quite as often put to themselves by persons who never heard of the principle of utility, as by its adherents. Those whose conscientious feelings are so weak as to allow of their asking this question, if they answer it affirmatively, will not do so because they believe in the transcendental theory, but because of the external sanctions.

It is not necessary, for the present purpose, to decide whether the feeling of duty is innate or implanted. Assuming it to be innate, it is an open question to what object it naturally attaches itself; for the philosophic supporters of that theory are now agreed that the intuitive perception is of principles of morality, and not of the details. If there be anything innate in

the matter, I see no reason why the feeling which is innate should not be that of regard to the pleasures and pains of others. If there is any principle of morals which is intuitively obligatory, I should say it must be that. If so, the intuitive ethics would coincide with the utilitarian, and there would be no further quarrel between them. Even as it is, the intuitive moralists, though they believe that there are other intuitive moral obligations, do already believe this to be one ; for they unanimously hold that a large *portion* of morality turns upon the consideration due to the interests of our fellow creatures. Therefore, if the belief in the transcendental origin of moral obligation gives any additional efficacy to the internal sanction, it appears to me that the utilitarian principle has already the benefit of it.

On the other hand, if, as is my own belief, the moral feelings are not innate, but acquired, they are not for that reason the less natural. It is natural to man to speak, to reason, to build cities, to cultivate the ground, though these are ac-

quired faculties. The moral feelings are not indeed a part of our nature, in the sense of being in any perceptible degree present in all of us ; but this, unhappily, is a fact admitted by those who believe the most strenuously in their transcendental origin. Like the other acquired capacities above referred to, the moral faculty, if not a part of our nature, is a natural outgrowth from it ; capable, like them, in a certain small degree, of springing up spontaneously ; and susceptible of being brought by cultivation to a high degree of development. Unhappily it is also susceptible, by a sufficient use of the external sanctions and of the force of early impressions, of being cultivated in almost any direction : so that there is hardly anything so absurd or so mischievous that it may not, by means of these influences, be made to act on the human mind with all the authority of conscience. To doubt that the same potency might be given by the same means to the principle of utility, even if it had no foundation in human nature, would be flying in the face of all experience.

But moral associations which are wholly of artificial creation, when intellectual culture goes on, yield by degrees to the dissolving force of analysis: and if the feeling of duty, when associated with utility, would appear equally arbitrary; if there were no leading department of our nature, no powerful class of sentiments, with which that association would harmonize, which would make us feel it congenial, and incline us not only to foster it in others (for which we have abundant interested motives), but also to cherish it in ourselves; if there were not, in short, a natural basis of sentiment for utilitarian morality, it might well happen that this association also, even after it had been implanted by education, might be analysed away.

But there is this basis of powerful natural sentiment; and this it is which, when once the general happiness is recognized as the ethical standard, will constitute the strength of the utilitarian morality. This firm foundation is that of the social feelings of mankind; the desire to be in unity with our fellow creatures, which is

already a powerful principle in human nature, and happily one of those which tend to become stronger, even without express inculcation, from the influences of advancing civilization. The social state is at once so natural, and so necessary, and so habitual to man, that except in some unusual circumstances or by an effort of voluntary abstraction, he never conceives himself otherwise than as a member of a body; and this association is riveted more and more, as mankind are further removed from the state of savage independence. Any condition, therefore, which is essential to a state of society, becomes more and more an inseparable part of every person's conception of the state of things which he is born into, and which is the destiny of a human being. Now, society between human beings, except in the relation of master and slave, is manifestly impossible on any other footing than that the interests of all are to be consulted. Society between equals can only exist on the understanding that the interests of all are to be regarded equally. And since in all states of

civilization, every person, except an absolute monarch, has equals, every one is obliged to live on these terms with somebody; and in every age some advance is made towards a state in which it will be impossible to live permanently on other terms with anybody. In this way people grow up unable to conceive as possible to them a state of total disregard of other people's interests. They are under a necessity of conceiving themselves as at least abstaining from all the grosser injuries, and (if only for their own protection) living in a state of constant protest against them. They are also familiar with the fact of co-operating with others, and proposing to themselves a collective, not an individual, interest, as the aim (at least for the time being) of their actions. So long as they are co-operating, their ends are identified with those of others; there is at least a temporary feeling that the interests of others are their own interests. Not only does all strengthening of social ties, and all healthy growth of society, give to each individual a stronger personal interest in practically consult-

ing the welfare of others ; it also leads him to identify his *feelings* more and more with their good, or at least with an ever greater degree of practical consideration for it. He comes, as though instinctively, to be conscious of himself as a being who *of course* pays regard to others. The good of others becomes to him a thing naturally and necessarily to be attended to, like any of the physical conditions of our existence. Now, whatever amount of this feeling a person has, he is urged by the strongest motives both of interest and of sympathy to demonstrate it, and to the utmost of his power encourage it in others ; and even if he has none of it himself, he is as greatly interested as any one else that others should have it. Consequently, the smallest germs of the feeling are laid hold of and nourished by the contagion of sympathy and the influences of education ; and a complete web of corroborative association is woven round it, by the powerful agency of the external sanctions. This mode of conceiving ourselves and human life, as civilization goes on, is felt to be more and more natural.

Every step in political improvement renders it more so, by removing the sources of opposition of interest and levelling those inequalities of legal privilege between individuals or classes, owing to which there are large portions of mankind whose happiness it is still practicable to disregard. In an improving state of the human mind, the influences are constantly on the increase, which tend to generate in each individual a feeling of unity with all the rest; which feeling, if perfect, would make him never think of, or desire, any beneficial condition for himself, in the benefits of which they are not included. If we now suppose this feeling of unity to be taught as a religion, and the whole force of education, of institutions, and of opinion, directed, as it once was in the case of religion, to make every person grow up from infancy surrounded on all sides both by the profession and by the practice of it, I think that no one, who can realize this conception, will feel any misgiving about the sufficiency of the ultimate sanction for the Happiness morality. To any ethical student who finds the realization difficult

I recommend, as a means of facilitating it, the second of M. Comte's two principal works, the *Système de Politique Positive*. I entertain the strongest objections to the system of politics and morals set forth in that treatise ; but I think it has superabundantly shown the possibility of giving to the service of humanity, even without the aid of belief in a Providence, both the physical power and the social efficacy of a religion ; making it take hold of human life, and color all thought, feeling, and action, in a manner of which the greatest ascendancy ever exercised by any religion may be but a type and foretaste ; and of which the danger is, not that it should be insufficient, but that it should be so excessive as to interfere unduly with human freedom and individuality.

Neither is it necessary to the feeling which constitutes the binding force of the utilitarian morality on those who recognize it, to wait for those social influences which would make its obligation felt by mankind at large. In the comparatively early state of human advancement

in which we now live, a person cannot indeed feel that entireness of sympathy with all others, which would make any real discordance in the general direction of their conduct in life impossible; but already a person in whom the social feeling is at all developed, cannot bring himself to think of the rest of his fellow creatures as struggling rivals with him for the means of happiness, whom he must desire to see defeated in their object in order that he may succeed in his. The deeply-rooted conception which every individual even now has of himself as a social being, tends to make him feel it one of his natural wants that there should be harmony between his feelings and aims and those of his fellow creatures. If differences of opinion and of mental culture make it impossible for him to share many of their actual feelings—perhaps make him denounce and defy those feelings—he still needs to be conscious that his real aim and theirs do not conflict; that he is not opposing himself to what they really wish for, namely, their own good, but is, on the contrary, promot-

ing it. This feeling in most individuals is much inferior in strength to their selfish feelings, and is often wanting altogether. But to those who have it, it possesses all the characters of a natural feeling. It does not present itself to their minds as a superstition of education, or a law despotically imposed by the power of society, but as an attribute which it would not be well for them to be without. This conviction is the ultimate sanction of the greatest-happiness morality. This it is which makes any mind, of well-developed feelings, work with, and not against, the outward motives to care for others, afforded by what I have called the external sanctions; and when those sanctions are wanting, or act in an opposite direction, constitutes in itself a powerful internal binding force, in proportion to the sensitiveness and thoughtfulness of the character; since few but those whose mind is a moral blank, could bear to lay out their course of life on the plan of paying no regard to others except so far as their own private interest compels.

CHAPTER IV.

OF WHAT SORT OF PROOF THE PRINCIPLE OF
UTILITY IS SUSCEPTIBLE.

IT has already been remarked, that questions of ultimate ends do not admit of proof, in the ordinary acceptation of the term. To be incapable of proof by reasoning is common to all first principles; to the first premises of our knowledge, as well as to those of our conduct. But the former, being matters of fact, may be the subject of a direct appeal to the faculties which judge of fact—namely our senses, and our internal consciousness. Can an appeal be made to the same faculties on questions of practical ends? Or by what other faculty is congruence taken of them?

Questions about ends are, in other words, questions what things are desirable. The utilitarian doctrine is, that happiness is desirable, and the only thing desirable, as an end; all

other things being only desirable as means to that end. What ought to be required of this doctrine—what conditions is it requisite that the doctrine should fulfil—to make **good** its claim to be believed?

The only proof capable of being given that an object is visible, is that people actually see it. The only proof that a sound is audible, is that people hear it: and so of the other sources of our experience. In like manner, I apprehend, the sole evidence it is possible to produce that anything is desirable, is that people do actually desire it. If the end which the utilitarian doctrine proposes to itself were not, in theory and in practice, acknowledged to be an end, nothing could ever convince any person that it was so. No reason can be given why the general happiness is desirable, except that each person, so far as he believes it to be attainable, desires his own happiness. This, however, being a fact, we have not only all the proof which the case admits of, but all which it is possible to require, that happiness is a good. that each person's

happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons. Happiness has made out its title as *one* of the ends of conduct, and consequently one of the criteria of morality.

But it has not, by this alone, proved itself to be the sole criterion. To do that, it would seem, by the same rule, necessary to show, not only that people desire happiness, but that they never desire anything else. Now it is palpable that they do desire things which, in common language, are decidedly distinguished from happiness. They desire, for example, virtue, and the absence of vice, no less really than pleasure and the absence of pain. The desire of virtue is not as universal, but it is as authentic a fact, as the desire of happiness. And hence the opponents of the utilitarian standard deem that they have a right to infer that there are other ends of human actions besides happiness, and that happiness is not the standard of approbation and disapprobation.

But does the utilitarian doctrine deny that

people desire virtue, or maintain that virtue is not a thing to be desired? The very reverse. It maintains not only that virtue is to be desired, but that it is to be desired disinterestedly, for itself. Whatever may be the opinion of utilitarian moralists as to the original conditions by which virtue is made virtue; however they may believe (as they do) that actions and dispositions are only virtuous because they promote another end than virtue; yet this being granted, and it having been decided, from considerations of this description, what is virtuous, they not only place virtue at the very head of things which are good as means to the ultimate end, but they also recognize as a psychological fact the possibility of its being, to the individual, a good in itself, without looking to any end beyond it; and hold, that the mind is not in a right state, not in a state conformable to Utility, not in a state most conducive to the general happiness, unless it does love virtue in this manner—as a thing desirable in itself, even although, in the individual instance, it should

not produce those other desirable consequences which it tends to produce, and on account of which it is held to be virtue. This opinion is not, in the smallest degree, a departure from the Happiness principle. The ingredients of happiness are very various, and each of them is desirable in itself, and not merely when considered as swelling an aggregate. The principle of utility does not mean that any given pleasure, as music, for instance, or any given exemption from pain, as for example health, are to be looked upon as a means to a collective something termed happiness, and to be desired on that account. They are desired and desirable in and for themselves; besides being means, they are a part of the end. Virtue, according to the utilitarian doctrine, is not naturally and originally part of the end, but it is capable of becoming so; and in those who love it disinterestedly it has become so, and is desired and cherished, not as a means to happiness, but as a part of their happiness.

To illustrate this farther, we may remember

that virtue is not the only thing, originally a means, and which if it were not a means to anything else, would be and remain indifferent, but which by association with what it is a means to, comes to be desired for itself, and that too with the utmost intensity. What, for example, shall we say of the love of money? There is nothing originally more desirable about money than about any heap of glittering pebbles. Its worth is solely that of the things which it will buy; the desire for other things than itself, which it is a means of gratifying. Yet the love of money is not only one of the strongest moving forces of human life, but money is, in many cases, desired in and for itself; the desire to possess it is often stronger than the desire to use it, and goes on increasing when all the desires which point to ends beyond it, to be compassed by it, are falling off. It may be then said truly, that money is desired not for the sake of an end, but as part of the end. From being a means to happiness, it has come to be itself a principal ingredient of the individual's conception of happiness. The same

may be said of the majority of the great objects of human life—power, for example, or fame ; except that to each of these there is a certain amount of immediate pleasure annexed, which has at least the semblance of being naturally inherent in them ; a thing which cannot be said of money. Still, however, the strongest natural attraction, both of power and of fame, is the immense aid they give to the attainment of our other wishes ; and it is the strong association thus generated between them and all our objects of desire, which gives to the direct desire of them the intensity it often assumes, so as in some characters to surpass in strength all other desires. In these cases the means have become a part of the end, and a more important part of it than any of the things which they are means to. What was once desired as an instrument for the attainment of happiness, has come to be desired for its own sake. In being desired for its own sake it is, however, desired as *part* of happiness. The person is made, or thinks he would be made, happy by its mere possession ; and is made un-

happy by failure to obtain it. The desire of it is not a different thing from the desire of happiness, any more than the love of music, or the desire of health. They are included in happiness. They are some of the elements of which the desire of happiness is made up. Happiness is not an abstract idea, but a concrete whole ; and these are some of its parts. And the utilitarian standard sanctions and approves their being so. Life would be a poor thing, very ill provided with sources of happiness, if there were not this provision of nature, by which things originally indifferent, but conducive to, or otherwise associated with, the satisfaction of our primitive desires, become in themselves sources of pleasure more valuable than the primitive pleasures, both in permanency, in the space of human existence that they are capable of covering, and even in intensity.

Virtue, according to the utilitarian conception, is a good of this description. There was no original desire of it, or motive to it, save its conduciveness to pleasure, and especially to protec-

tion from pain. But through the association thus formed, it may be felt a good in itself, and desired as such with as great intensity as any other good; and with this difference between it and the love of money, of power or of fame, that all of these may, and often do, render the individual noxious to the other members of the society to which he belongs, whereas there is nothing which makes him so much a blessing to them as the cultivation of the disinterested love of virtue. And consequently, the utilitarian standard, while it tolerates and approves those other acquired desires, up to the point beyond which they would be more injurious to the general happiness than promotive of it, enjoins and requires the cultivation of the love of virtue up to the greatest strength possible, as being above all things important to the general happiness.

It results from the preceding considerations, that there is in reality nothing desired except happiness. Whatever is desired otherwise than as a means to some end beyond itself, and ulti-

mately to happiness, is desired as itself a part of happiness, and is not desired for itself until it has become so. Those who desire virtue for its own sake, desire it either because the consciousness of it is a pleasure, or because the consciousness of being without it is a pain, or for both reasons united; as in truth the pleasure and pain seldom exist separately, but almost always together, the same person feeling pleasure in the degree of virtue attained, and pain in not having attained more. If one of these gave him no pleasure, and the other no pain, he would not love or desire virtue, or would desire it only for the other benefits which it might produce to himself or to persons whom he cared for.

We have now, then, an answer to the question, of what sort of proof the principle of utility is susceptible. If the opinion which I have now stated is psychologically true—if human nature is so constituted as to desire nothing which is not either a part of happiness or a means of happiness, we can have no other proof, and we require

no other, that these are the only things desirable. If so, happiness is the sole end of human action, and the promotion of it the test by which to judge of all human conduct; from whence it necessarily follows that it must be the criterion of morality, since a part is included in the whole.

And now to decide whether this is really so; whether mankind do desire nothing for itself but that which is a pleasure to them, or of which the absence is a pain; we have evidently arrived at a question of fact and experience, dependent, like all similar questions, upon evidence. It can only be determined by practised self-consciousness and self-observation, assisted by observation of others. I believe that these sources of evidence, impartially consulted, will declare that desiring a thing and finding it pleasant, aversion to it and thinking of it as painful, are phenomena entirely inseparable, or rather two parts of the same phenomenon; in strictness of language, two different modes of naming the same psychological fact: that to think of an object as desirable (un-

less for the sake of its consequences), and to think of it as pleasant, are one and the same thing; and that to desire anything, except in proportion as the idea of it is pleasant, is a physical and metaphysical impossibility.

So obvious does this appear to me, that I expect it will hardly be disputed; and the objection made will be, not that desire can possibly be directed to anything ultimately except pleasure and exemption from pain, but that the will is a different thing from desire; that a person of confirmed virtue, or any other person whose purposes are fixed, carries out his purposes without any thought of the pleasure he has in contemplating them, or expects to derive from their fulfilment; and persists in acting on them, even though these pleasures are much diminished, by changes in his character or decay of his passive sensibilities, or are outweighed by the pains which the pursuit of the purposes may bring upon him. All this I fully admit, and have stated it elsewhere, as positively and emphatically as any one. Will, the active phenomenon, is a

different thing from desire, the state of passive sensibility, and though originally an offshoot from it, may in time take root and detach itself from the parent stock ; so much so, that in the case of an habitual purpose, instead of willing the thing because we desire it, we often desire it only because we will it. This, however, is but an instance of that familiar fact, the power of habit, and is nowise confined to the case of virtuous actions. Many indifferent things, which men originally did from a motive of some sort, they continue to do from habit. Sometimes this is done unconsciously, the consciousness coming only after the action : at other times with conscious volition, but volition which has become habitual, and is put into operation by the force of habit, in opposition perhaps to the deliberate preference, as often happens with those who have contracted habits of vicious or hurtful indulgence. Third and last comes the case in which the habitual act of will in the individual instance is not in contradiction to the general intention prevailing at other times, but in fulfilment of it ;

as in the case of the person of confirmed virtue, and of all who pursue deliberately and consistently any determinate end. The distinction between will and desire thus understood, is an authentic and highly important psychological fact; but the fact consists solely in this—that will, like all other parts of our constitution, is amenable to habit, and that we may will from habit what we no longer desire for itself, or desire only because we will it. It is not the less true that will, in the beginning, is entirely produced by desire; including in that term the repelling influence of pain as well as the attractive one of pleasure. Let us take into consideration, no longer the person who has a confirmed will to do right, but him in whom that virtuous will is still feeble, conquerable by temptation, and not to be fully relied on: by what means can it be strengthened? How can the will to be virtuous, where it does not exist in sufficient force, be implanted or awakened? Only by making the person *desire* virtue—by making him think of it in a pleasurable light, or of its

absence in a painful one. It is by associating the doing right with pleasure, or the doing wrong with pain, or by eliciting and impressing and bringing home to the person's experience the pleasure naturally involved in the one or the pain in the other, that it is possible to call forth that will to be virtuous, which, when confirmed, acts without any thought of either pleasure or pain. Will is the child of desire, and passes out of the dominion of its parent only to come under that of habit. That which is the result of habit affords no presumption of being intrinsically good; and there would be no reason for wishing that the purpose of virtue should become independent of pleasure and pain, were it not that the influence of the pleasurable and painful associations which prompt to virtue is not sufficiently to be depended on for unerring constancy of action until it has acquired the support of habit. Both in feeling and in conduct, habit is the only thing which imparts certainty; and it is because of the importance to others of being able to rely absolutely on one's feelings and conduct, and to

oneself of being able to rely on one's own, that the will to do right ought to be cultivated into this habitual independence. In other words, this state of the will is a means to good, not intrinsically a good; and does not contradict the doctrine that nothing is a good to human beings but in so far as it is either itself pleasurable, or a means of attaining pleasure or averting pain.

But if this doctrine be true, the principle of utility is proved. Whether it is so or not, must now be left to the consideration of the thoughtful reader.

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CHAPTER V.

ON THE CONNEXION BETWEEN JUSTICE AND
UTILITY.

IN all ages of speculation, one of the strongest obstacles to the reception of the doctrine that Utility or Happiness is the criterion of right and wrong, has been drawn from the idea of Justice. The powerful sentiment, and apparently clear perception, which that word recalls with a rapidity and certainty resembling an instinct, have seemed to the majority of thinkers to point to an inherent quality in things; to show that the Just must have an existence in Nature as something absolute—generically distinct from every variety of the Expedient, and, in idea, opposed to it, though (as is commonly acknowledged) never, in the long run, disjoined from it in fact.

In the case of this, as of our other moral sentiments, there is no necessary connexion between

the question of its origin, and that of its binding force. That a feeling is bestowed on us by Nature, does not necessarily legitimate all its promptings. The feeling of justice might be a peculiar instinct, and might yet require, like our other instincts, to be controlled and enlightened by a higher reason. If we have intellectual instincts, leading us to judge in a particular way, as well as animal instincts that prompt us to act in a particular way, there is no necessity that the former should be more infallible in their sphere than the latter in theirs: it may as well happen that wrong judgments are occasionally suggested by those, as wrong actions by these. But though it is one thing to believe that we have natural feelings of justice, and another to acknowledge them as an ultimate criterion of conduct, these two opinions are very closely connected in point of fact. Mankind are always predisposed to believe that any subjective feeling, not otherwise accounted for, is a revelation of some objective reality. Our present object is to determine whether the reality, to which the feeling

of justice corresponds, is one which needs any such special revelation; whether the justice or injustice of an action is a thing intrinsically peculiar, and distinct from all its other qualities, or only a combination of certain of those qualities, presented under a peculiar aspect. For the purpose of this inquiry, it is practically important to consider whether the feeling itself of justice and injustice, is *sui generis* like our sensations of color and taste, or a derivative feeling, formed by a combination of others. And this it is the more essential to examine, as people are in general willing enough to allow, that objectively the dictates of justice coincide with a part of the field of General Expediency; but inasmuch as the subjective mental feeling of Justice is different from that which commonly attaches to simple expediency, and, except in extreme cases of the latter, is far more imperative in its demands, people find it difficult to see, in Justice, only a particular kind or branch of general utility, and think that its superior binding force requires a totally different origin.

To throw light upon this question, it is necessary to attempt to ascertain what is the distinguishing character of justice, or of injustice: what is the quality, or whether there is any quality, attributed in common to all modes of conduct designated as unjust (for justice, like many other moral attributes, is best defined by its opposite), and distinguishing them from such modes of conduct as are disapproved, but without having that particular epithet of disapprobation applied to them. If, in everything which men are accustomed to characterize as just or unjust, some one **common** attribute or collection of attributes is always present, we may judge whether this particular attribute or combination of attributes would be capable of gathering round it a sentiment of that peculiar character and intensity by virtue of the general laws of our emotional constitution, or whether the sentiment is inexplicable, and requires to be regarded as a special provision of Nature. If we find the former to be the case, we shall, in resolving this question, have resolved also the main problem: if the latter, we

shall have to seek for some other mode of investigating it.

To find the common attributes of a variety of objects, it is necessary to begin by surveying the objects themselves in the concrete. Let us therefore advert successively to the various modes of action, and arrangements of human affairs, which are classed, by universal or widely spread opinion, as Just or as Unjust. The things well known to excite the sentiments associated with those names, are of a very multifarious character. I shall pass them rapidly in review, without studying any particular arrangement.

In the first place, it is mostly considered unjust to deprive any one of his personal liberty, his property, or any other thing which belongs to him by law. Here, therefore, is one instance of the application of the terms just and unjust in a perfectly definite sense, namely, that it is just to respect, unjust to violate, the *legal rights* of any one. But this judgment admits of several exceptions, arising from the other forms in which

the notions of justice and injustice present themselves. For example, the person who suffers the deprivation may (as the phrase is) have *forfeited* the rights which he is so deprived of : a case to which we shall return presently. But also,

Secondly ; the legal rights of which he is deprived, may be rights which *ought* not to have belonged to him ; in other words, the law which confers on him these rights, may be a bad law. When it is so, or when (which is the same thing for our purpose) it is supposed to be so, opinions will differ as to the justice or injustice of infringing it. Some maintain that no law, however bad, ought to be disobeyed by an individual citizen ; that his opposition to it, if shown at all, should only be shown in endeavoring to get it altered by competent authority. This opinion (which condemns many of the most illustrious benefactors of mankind, and would often protect pernicious institutions against the only weapons which, in the state of things existing at the time, have any chance of succeeding against

them) is defended, by those who hold it, on grounds of expediency; principally on that of the importance to the common interest of mankind, of maintaining inviolate the sentiment of submission to law. Other persons, again, hold the directly contrary opinion, that any law, judged to be bad, may blamelessly be disobeyed, even though it be not judged to be unjust, but only inexpedient; while others would confine the licence of disobedience to the case of unjust laws: but again, some say, that all laws which are inexpedient are unjust; since every law imposes some restriction on the natural liberty of mankind, which restriction is an injustice, unless legitimated by tending to their good. Among these diversities of opinion, it seems to be universally admitted that there may be unjust laws, and that law, consequently, is not the ultimate criterion of justice, but may give to one person a benefit, or impose on another an evil, which justice condemns. When, however, a law is thought to be unjust, it seems always to be regarded as being so in the same way in which a

breach of law is unjust, namely, by infringing somebody's right; which, as it cannot in this case be a legal right, receives a different appellation, and is called a moral right. We may say, therefore, that a second case of injustice consists in taking or withholding from any person that to which he has a *moral right*.

Thirdly, it is universally considered just that each person should obtain that (whether good or evil) which he deserves; and unjust that he should obtain a good, or be made to undergo an evil, which he does not deserve. This is, perhaps, the clearest and most emphatic form in which the idea of justice is conceived by the general mind. As it involves the notion of desert, the question arises, what constitutes desert? Speaking in a general way, a person is understood to deserve good if he does right, evil if he does wrong; and in a more particular sense, to deserve good from those to whom he does or has done good, and evil from those to whom he does or has done evil. The precept of returning good

for evil has never been regarded as a case of the fulfilment of justice, but as one in which the claims of justice are waived, in obedience to other considerations.

Fourthly, it is confessedly unjust to *break faith* with any one; to violate an engagement, either expressed or implied, or disappoint expectations raised by our own conduct, at least if we have raised those expectations knowingly and voluntarily. Like the other obligations of justice already spoken of, this one is not regarded as absolute, but as capable of being overruled by a stronger obligation of justice on the other side; or by such conduct on the part of the person concerned as is deemed to absolve us from our obligation to him, and to constitute a *forfeiture* of the benefit which he has been led to expect.

Fifthly, it is, by universal admission, inconsistent with justice to be *partial*; to show favor or preference to one person over another, in matters to which favor and preference do not properly apply. Impartiality, however, does not seem to be regarded as a duty in itself, but

rather as instrumental to some other duty; for it is admitted that favor and preference are not always censurable, and indeed the cases in which they are condemned are rather the exception than the rule. A person would be more likely to be blamed than applauded for giving his family or friends no superiority in good offices over strangers, when he could do so without violating any other duty; and no one thinks it unjust to seek one person in preference to another as a friend, connexion, or companion. Impartiality where rights are concerned is of course obligatory, but this is involved in the more general obligation of giving to every one his right. A tribunal, for example, must be impartial, because it is bound to award, without regard to any other consideration, a disputed object to the one or two parties who has the right to it. There are other cases in which impartiality means, being solely influenced by desert; as with those who, in the capacity of judges, preceptors, or parents, administer reward and punishment as such. There are cases, again, in which it means, being

solely influenced by consideration for the public interest ; as in making a selection among candidates for a Government employment. Impartiality, in short, as an obligation of justice, may be said to mean, being exclusively influenced by the considerations which it is supposed ought to influence the particular case in hand; and resisting the solicitation of any motives which prompt to conduct different from what those considerations would dictate.

Nearly allied to the idea of impartiality, is that of *equality* ; which often enters as a component part both into the conception of justice and into the practice of it, and, in the eyes of many persons, constitutes its essence. But in this, still more than in any other case, the notion of justice varies in different persons, and always conforms in its variations to their notion of utility. Each person maintains that equality is the dictate of justice, except where he thinks that expediency requires inequality. The justice of giving equal protection to the rights of all, is maintained by those who

support the most outrageous inequality in the rights themselves. Even in slave countries it is theoretically admitted that the rights of the slave, such as they are, ought to be as sacred as those of the master ; and that a tribunal which fails to enforce them with equal strictness is wanting in justice ; while, at the same time, institutions which leave to the slave scarcely any rights to enforce, are not deemed unjust, because they are not deemed inexpedient. Those who think that utility requires distinctions of rank, do not consider it unjust that riches and social privileges should be unequally dispensed ; but those who think this inequality inexpedient, think in unjust also. Whoever thinks that government is necessary, sees no injustice in as much inequality as is constituted by giving to the magistrate powers not granted to other people. Even among those who hold levelling doctrines, there are as many questions of justice as there are differences of opinions about expediency. Some Communists consider it unjust that the produce of the labor of the community should be shared on any other

principle than that of exact equality; others think it just that those should receive most whose needs are greatest; while others hold that those who work harder, or who produce more, or whose services are more valuable to the community, may justly claim a larger quota in the division of the produce. And the sense of natural justice may be plausibly appealed to in behalf of every one of these opinions.

Among so many diverse applications of the term Justice, which yet is not regarded as ambiguous, it is a matter of some difficulty to seize the mental link which holds them together, and on which the moral sentiment adhering to the term essentially depends. Perhaps, in this embarrassment, some help may be derived from the history of the word, as indicated by its etymology.

In most, if not in all, languages, the etymology of the words which correspond to Just, points to an origin connected either with positive law, or with that which was in most cases the primitive form of law—authoritative custom. *Justum* is

a form of *jussum*, that which has been ordered. *Jus* is of the same origin. *Δίκαιον* comes from *δίκη*, of which the principle meaning, at least in the historical ages of Greece, was a suit at law. Originally, indeed, it meant only the mode or *manner* of doing things, but it early came to mean the *prescribed* manner; that which the recognised authorities, patriarchal, judicial, or political, would enforce. *Recht*, from which came *right* and *righteous*, is synonymous with law. The original meaning, indeed, of *recht* did not point to law, but to physical straightness; as *wrong* and its Latin equivalents meant twisted or *tortuous*; and from this it is argued that right did not originally mean law, but on the contrary law meant right. But however this may be, the fact that *recht* and *droit* became restricted in their meaning to positive law, although much which is not required by law is equally necessary to moral straightness or rectitude, is as significant of the original character of moral ideas as if the derivation had been the reverse way. The courts of justice,

the administration of justice, are the courts and the administration of law. *La justice*, in French, is the established term for judicature. There can, I think, be no doubt that the *idée mère*, the primitive element, in the formation of the notion of justice, was conformity to law. It constituted the entire idea among the Hebrews, up to the birth of Christianity; as might be expected in the case of a people whose laws attempted to embrace all subjects on which precepts were required, and who believed those laws to be a direct emanation from the Supreme Being. But other nations, and in particular the Greeks and Romans, who knew that their laws had been made originally, and still continued to be made, by men, were not afraid to admit that those men might make bad laws; might do, by law, the same things, and from the same motives, which, if done by individuals without the sanction of law, would be called unjust. And hence the sentiment of injustice came to be attached, not to all violations of law, but only to violations of such laws as

ought to exist, including such as ought to exist but do not; and to laws themselves, if supposed to be contrary to what ought to be law. In this manner the idea of law and of its injunctions was still predominant in the notion of justice, even when the laws actually in force ceased to be accepted as the standard of it.

It is true that mankind consider the idea of justice and its obligations as applicable to many things which neither are, nor is it desired that they should be, regulated by law. Nobody desires that laws should interfere with the whole detail of private life; yet every one allows that in all daily conduct a person may and does show himself to be either just or unjust. But even here, the idea of the breach of what ought to be law, still lingers in a modified shape. It would always give us pleasure, and chime in with our feelings of fitness, that acts which we deem unjust should be punished, though we do not always think it expedient that this should be done by the tribunals. We forego that gratification on account of incidental inconveniences. We should

be glad to see just conduct enforced and injustice repressed, even in the minutest details, if we were not, with reason, afraid of trusting the magistrate with so unlimited an amount of power over individuals. When we think that a person is bound in justice to do a thing, it is an ordinary form of language to say, that he ought to be compelled to do it. We should be gratified to see the obligation enforced by anybody who had the power. If we see that its enforcement by law is inexpedient, we lament the impossibility, we consider the impunity given to injustice as an evil, and strive to make amends for it by bringing a strong expression of our own and the public disapprobation to bear upon the offender. Thus the idea of legal constraint is still the generating idea of the notion of justice, though undergoing several transformations before that notion, as it exists in an advanced state of society, becomes complete.

The above is, I think, a true account, as far as it goes, of the origin and progressive growth of the idea of justice. But we must observe,

that it contains, as yet, nothing to distinguish that obligation from moral obligation in general. For the truth is, that the idea of penal sanction, which is the essence of law, enters not only into the conception of injustice, but into that of any kind of wrong. We do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience. This seems the real turning point of the distinction between morality and simple expediency. It is a part of the notion of Duty in every one of its forms, that a person may rightfully be compelled to fulfil it. Duty is a thing which may be *exacted* from a person as one exacts a debt. Unless we think that it might be exacted from him, we do not call it his duty. Reasons of prudence, or the interest of other people, may militate against actually exacting it; but the person himself, it is clearly understood, would not be entitled to complain. There are other

things, on the contrary, which we wish that people should do, which we like or admire them for doing, perhaps dislike or despise them for not doing, but yet admit that they are not bound to do ; it is not a case of moral obligation ; we do not blame them, that is, we do not think that they are proper objects of punishment. How we come by these ideas of deserving and not deserving punishment, will appear, perhaps, in the sequel ; but I think there is no doubt that this distinction lies at the bottom of the notions of right and wrong ; that we call any conduct wrong, or employ instead, some other term of dislike or disparagement, according as we think that the person ought, or ought not, to be punished for it ; and we say that it would be right to do so and so, or merely that it would be desirable or laudable, according as we would wish to see the person whom it concerns, compelled or only persuaded and exhorted, to act in that manner.*

* See this point enforced and illustrated by Professor Bain, in an admirable chapter (entitled " The Ethical Emotions, or the Moral Sense,") of the second of the two treatises composing his elaborate and profound work on the Mind.

This, therefore, being the characteristic difference which marks off, not justice, but morality in general, from the remaining provinces of Expediency and Worthiness; the character is still to be sought which distinguishes justice from other branches of morality. Now it is known that ethical writers divide moral duties into two classes, denoted by the ill-chosen expressions duties of perfect and of imperfect obligation; the latter being those in which, though the act is obligatory, the particular occasions of performing it are left to our choice; as in the case of charity or beneficence, which we are indeed bound to practise, but not towards any definite person, nor at any prescribed time. In the more precise language of philosophic jurists, duties of perfect obligation are those duties in virtue of which a correlative *right* resides in some person or persons; duties of imperfect obligation are those moral obligations which do not give birth to any right. I think it will be found that this distinction exactly coincides with that which exists between justice and the other obligations of

morality. In our survey of the various popular acceptations of justice, the term appeared generally to involve the idea of a personal right—a claim on the part of one or more individuals, like that which the law gives when it confers a proprietary or other legal right. Whether the injustice consists in depriving a person of a possession, or in breaking faith with him, or in treating him worse than he deserves, or worse than other people who have no greater claims, in each case the supposition implies two things—a wrong done, and some assignable person who is wronged. Injustice may also be done by treating a person better than others; but the wrong in this case is to his competitors, who are also assignable persons. It seems to me that this feature in the case—a right in some person, correlative to the moral obligation—constitutes the specific difference between justice, and generosity or beneficence. Justice implies something which it is not only right to do, and wrong not to do, but which some individual person can claim from us as his moral right. No

one has a moral right to our generosity or beneficence, because we are not morally bound to practise those virtues towards any given individual. And it will be found, with respect to this as with respect to every correct definition, that the instances which seem to conflict with it are those which most confirm it. For if a moralist attempts, as some have done, to make out that mankind generally, though not any given individual, have a right to all the good we can do them, he at once, by that thesis, includes generosity and beneficence within the category of justice. He is obliged to say, that our utmost exertions are *due* to our fellow creatures, thus assimilating them to a debt; or that nothing less can be a sufficient *return* for what society does for us, thus classing the case as one of gratitude; both of which are acknowledged cases of justice. Wherever there is a right, the case is one of justice, and not of the virtue of beneficence: and whoever does not place the distinction between justice and morality in general where we have now placed it, will be found to make no distinc-

tion between them at all, but to merge all morality in justice.

Having thus endeavored to determine the distinctive elements which enter into the composition of the idea of justice, we are ready to enter on the inquiry, whether the feeling, which accompanies the idea, is attached to it by a special dispensation of nature, or whether it could have grown up, by any known laws, out of the idea itself; and in particular, whether it can have originated in considerations of general expediency.

I conceive that the sentiment itself does not arise from anything which would commonly, or correctly, be termed an idea of expediency; but that, though the sentiment does not, whatever is moral in it does.

We have seen that the two essential ingredients in the sentiment of justice are, the desire to punish a person who has done harm, and the knowledge or belief that there is some definite individual or individuals to whom harm has been done.

Now it appears to me, that the desire to punish a person who has done harm to some individual, is a spontaneous outgrowth from two sentiments, both in the highest degree natural, and which either are or resemble instincts; the impulse of self-defence, and the feeling of sympathy.

It is natural to resent, and to repel or retaliate, any harm done or attempted against ourselves, or against those with whom we sympathise. The origin of this sentiment it is not necessary here to discuss. Whether it be an instinct or a result of intelligence, it is, we know, common to all animal nature: for every animal tries to hurt those who have hurt, or who it thinks are about to hurt, itself or its young. Human beings, on this point, only differ from other animals in two particulars. First, in being capable of sympathising, not solely with their offspring, or, like some of the more noble animals, with some superior animal who is kind to them, but with all human, and even with all sentient, beings. Secondly, in having a more

developed intelligence, which gives a wider range to the whole of their sentiments, whether self-regarding or sympathetic. By virtue of his superior intelligence, even apart from his superior range of sympathy, a human being is capable of apprehending a community of interest between himself and the human society of which he forms a part, such that any conduct which threatens the security of the society, generally, is threatening to his own, and calls forth his instinct (if instinct it be) of self-defence. The same superiority of intelligence, joined to the power of sympathising with human beings generally, enables him to attach himself to the collective idea of his tribe, his country, or mankind, in such a manner that any act hurtful to them rouses his instinct of sympathy, and urges him to resistance.

The sentiment of justice, in that one of its elements which consists of the desire to punish, is thus, I conceive, the natural feeling of retaliation or vengeance, rendered by intellect and sympathy applicable to those injuries, that is, to those

hurts, which wound us through, or in common with, society at large. This sentiment, in itself, has nothing moral in it; what is moral is, the exclusive subordination of it to the social sympathies, so as to wait on and obey their call. For the natural feeling tends to make us resent indiscriminately whatever any one does that is disagreeable to us; but when moralised by the social feeling, it only acts in the directions conformable to the general good; just persons resenting a hurt to society, though not otherwise a hurt to themselves, and not resenting a hurt to themselves, however painful, unless it be of the kind which society has a common interest with them in the repression of.

It is no objection against this doctrine to say, that when we feel our sentiment of justice outraged, we are not thinking of society at large, or of any collective interest, but only of the individual case. It is common enough certainly, though the reverse of commendable, to feel resentment merely because we have suffered pain; but a person whose resentment is really a

moral feeling, that is, who considers whether an act is blameable before he allows himself to resent it—such a person, though he may not say expressly to himself that he is standing up for the interest of society, certainly does feel that he is asserting a rule which is for the benefit of others as well as for his own. If he is not feeling this—if he is regarding the act solely as it affects him individually—he is not consciously just; he is not concerning himself about the justice of his actions. This is admitted even by anti-utilitarian moralists. When Kant (as before remarked) propounds as the fundamental principle of morals, ‘So act, that thy rule of conduct might be adopted as a law by all rational beings,’ he virtually acknowledges that the interest of mankind collectively, or at least of mankind indiscriminately, must be in the mind of the agent when conscientiously deciding on the morality of the act. Otherwise he uses words without a meaning: for, that a rule even of utter selfishness could not *possibly* be adopted by all rational beings—that there is any insuperable

obstacle in the nature of things to its adoption — cannot be even plausibly maintained. To give any meaning to Kant's principle, the sense put upon it must be, that we ought to shape our conduct by a rule which all rational beings might adopt *with benefit to their collective interest*.

To recapitulate: the idea of justice supposes two things; a rule of conduct, and a sentiment which sanctions the rule. The first must be supposed common to all mankind, and intended for their good. The other (the sentiment) is a desire that punishment may be suffered by those who infringe the rule. There is involved, in addition, the conception of some definite person who suffers by the infringement; whose rights (to use the expression appropriated to the case) are violated by it. And the sentiment of justice appears to me to be, the animal desire to repel or retaliate a hurt or damage to oneself, or to those with whom one sympathises, widened so as to include all persons, by the human capacity of enlarged sympathy, and the human concep-

tion of intelligent self-interest. From the latter elements, the feeling derives its morality; from the former, its peculiar impressiveness, and energy of self-assertion.

I have, throughout, treated the idea of a *right* residing in the injured person, and violated by the injury, not as a separate element in the composition of the idea and sentiment, but as one of the forms in which the other two elements clothe themselves. These elements are, a hurt to some assignable person or persons on the one hand, and a demand for punishment on the other. An examination of our own minds, I think, will show, that these two things include all that we mean when we speak of violation of a right. When we call anything a person's right, we mean that he has a valid claim on society to protect him in the possession of it, either by the force of law, or by that of education and opinion. If he has what we consider a sufficient claim, on whatever account, to have something guaranteed to him by society, we say that he has a right to it. If we desire to prove

that anything does not belong to him by right, we think this done as soon as it is admitted that society ought not to take measures for securing it to him, but should leave it to chance, or to his own exertions. Thus, a person is said to have a right to what he can earn in fair professional competition; because society ought not to allow any other person to hinder him from endeavoring to earn in that manner as much as he can. But he has not a right to three hundred a-year, though he may happen to be earning it; because society is not called on to provide that he shall earn that sum. On the contrary, if he owns ten thousand pounds three per cent. stock he *has* a right to three hundred a-year; because society has come under an obligation to provide him with an income of that amount.

To have a right, then, is, I conceive, to have something which society ought to defend me in the possession of. If the objector goes on to ask why it ought, I can give him no other reason than general utility. If that expression does not seem to convey a suffi-

cient feeling of the strength of the obligation, nor to account for the peculiar energy of the feeling, it is because there goes to the composition of the sentiment, not a rational only but also an animal element, the thirst for retaliation; and this thirst derives its intensity, as well as its moral justification, from the extraordinarily important and impressive kind of utility which is concerned. The interest involved is that of security, to every one's feelings the most vital of all interests. Nearly all other earthly benefits are needed by one person, not needed by another; and many of them can, if necessary, be cheerfully foregone, or replaced by something else; but security no human being can possibly do without; on it we depend for all our immunity from evil, and for the whole value of all and every good, beyond the passing moment; since nothing but the gratification of the instant could be of any worth to us, if we could be deprived of everything the next instant by whoever was momentarily stronger than ourselves. Now this most indispensable of all neces

saries, after physical nutriment, cannot be had, unless the machinery for providing it is kept unintermittedly in active play. Our notion, therefore, of the claim we have on our fellow creatures to join in making safe for us the very groundwork of our existence, gathers feelings round it so much more intense than those concerned in any of the more common cases of utility: that the difference in degree (as is often the case in psychology) becomes a real difference in kind. The claim assumes that character of absoluteness, that apparent infinity, and incommensurability with all other considerations, which constitute the distinction between the feeling of right and wrong and that of ordinary expediency and in-expediency. The feelings concerned are so powerful, and we count so positively on finding a responsive feeling in others (all being alike interested), that *ought* and *should* grow into *must*, and recognized indispensability becomes a moral necessity, analogous to physical, and often not inferior to it in binding force.

If the preceding analysis, or something re-

sembling it, be not the correct **account** of the notion of justice ; if justice be totally independent of utility, and be a standard *per se*, which the mind can recognize by simple introspection of itself ; it is hard to understand why that internal oracle is so ambiguous, and why so many things appear either just or unjust, according to the light in which they are regarded.

We are continually informed that **Utility** is an uncertain standard, which every different person interprets differently, and that there is no safety but in the immutable, ineffaceable, and unmis- takeable dictates of **Justice**, which carry their evidence in themselves, and are independent of the fluctuations of opinion. One would suppose from this that on questions of justice there could be no controversy ; that if we take that for our rule, its application to any given case could leave us in as little doubt as a mathematical demon- stration. So far is this from being the fact, that there is as much difference of opinion, and as fierce discussion, about what is just, as about what is useful to society. Not only have differ-

ent nations and individuals different notions of justice, but, in the mind of one and the same individual, justice is not some one rule, principle, or maxim, but many, which do not always coincide in their dictates, and in choosing between which, he is guided either by some extraneous standard, or by his own personal predilections.

For instance, there are some who say, that it is unjust to punish any one for the sake of example to others ; that punishment is just, only when intended for the good of the sufferer himself. Others maintain the extreme reverse, contending that to punish persons who have attained years of discretion, for their own benefit, is despotism and injustice, since if the matter at issue is solely their own good, no one has a right to control their own judgment of it ; but that they may justly be punished to prevent evil to others, this being an exercise of the legitimate right of self defence. Mr. Owen, again, affirms that it is unjust to punish at all ; for the criminal did not make his own character ; his education, and the circumstances which surround him, have

made him a criminal, and for these he is not responsible. All these opinions are extremely plausible ; and so long as the question is argued as one of justice simply, without going down to the principles which lie under justice and are the source of its authority, I am unable to see how any of these reasoners can be refuted. For, in truth, every one of the three builds upon rules of justice confessedly true. The first appeals to the acknowledged injustice of singling out an individual, and making him a sacrifice, without his consent, for other people's benefit. The second relies on the acknowledged justice of self-defence, and the admitted injustice of forcing one person to conform to another's notions of what constitutes his good. The Owenite invokes the admitted principle, that it is unjust to punish any one for what he cannot help. Each is triumphant so long as he is not compelled to take into consideration any other maxims of justice than the one he has selected ; but as soon as their several maxims are brought face to face, each disputant seems to have exactly as much to

say for himself as the others. No one of them can carry out his own notion of justice without trampling upon another equally binding. These are difficulties ; they have always been felt to be such ; and many devices have been invented to turn rather than to overcome them. As a refuge from the last of the three, men imagine what they called the freedom of the will ; fancying that they could not justify punishing a man whose will is in a thoroughly hateful state, unless it be supposed to have come into that state through no influence of anterior circumstances. To escape from the other difficulties, a favorite contrivance has been the fiction of a contract, whereby at some unknown period all the members of society engage to obey the laws, and consent to be punished for any disobedience to them ; thereby giving to their legislators the right, which it is assumed they would not otherwise have had, of punishing them, either for their own good or for that of society. This happy thought was considered to get rid of the whole difficulty, and to legitimate the infliction of pun-

ishment, in virtue of another received maxim of justice, *volenti non fit injuria* ; that is not unjust which is done with the consent of the person who is supposed to be hurt by it. I need hardly remark, that even if the consent were not a mere fiction, this maxim is not superior in authority to the others which it is brought in to supersede. It is, on the contrary, an instructive specimen of the loose and irregular manner in which supposed principles of justice grow up. This particular one evidently came into use as a help to the coarse exigencies of courts of law, which are sometimes obliged to be content with very uncertain presumptions, on account of the greater evils which would often arise from any attempt on their part to cut finer. But even courts of law are not able to adhere consistently to the maxim, for they allow voluntary engagements to be set aside on the ground of fraud, and sometimes on that of mere mistake or misinformation.

Again, when the legitimacy of inflicting

punishment is admitted, how many conflicting conceptions of justice come to light in discussing the proper apportionment of punishment to offences. No rule on this subject recommends itself so strongly to the primitive and spontaneous sentiment of justice, as the *lex talionis*, an eye for an eye and a tooth for a tooth. Though this principle of the Jewish and of the Mahomedan law has been generally abandoned in Europe as a practical maxim, there is, I suspect, in most minds, a secret hankering after it; and when retribution accidentally falls on an offender in that precise shape, the general feeling of satisfaction evinced, bears witness how natural is the sentiment to which this repayment in kind is acceptable. With many the test of justice in penal infliction is that the punishment should be proportioned to the offence; meaning that it should be exactly measured by the moral guilt of the culprit (whatever be their standard for measuring moral guilt): the consideration, what amount of punishment is necessary to deter from the offence, having nothing to do with the ques-

tion of justice, in their estimation: while there are others to whom that consideration is all in all; who maintain that it is not just, at least for man, to inflict on a fellow creature, whatever may be his offences, any amount of suffering beyond the least that will suffice to prevent him from repeating, and others from imitating, his misconduct.

To take another example from a subject already once referred to. In a co-operative industrial association, is it just or not that talent or skill should give a title to superior remuneration? On the negative side of the question it is argued, that whoever does the best he can, deserves equally well, and ought not in justice to be put in a position of inferiority for no fault of his own; that superior abilities have already advantages more than enough, in the admiration they excite, the personal influence they command, and the internal sources of satisfaction attending them, without adding to these a superior share of the world's goods; and that society is bound in justice rather to make compensation

to the less favored, for this unmerited inequality of advantages, than to aggravate it. On the contrary side it is contended, that society receives more from the more efficient laborer; that his services being more useful, society owes him a larger return for them; that a greater share of the joint result is actually his work, and not to allow his claim to it is a kind of robbery; that if he is only to receive as much as others, he can only be justly required to produce as much, and to give a smaller amount of time and exertion, proportioned to his superior efficiency. Who shall decide between these appeals to conflicting principles of justice? Justice has in this case two sides to it, which it is impossible to bring into harmony, and the two disputants have chosen opposite sides; the one looks to what it is just that the individual should receive, the other to what it is just that the community should give. Each, from his own point of view, is unanswerable; and any choice between them, on grounds of justice, must be perfectly

arbitrary. Social utility alone can decide the preference.

How many, again, and how irreconcilable, are the standards of justice to which reference is made in discussing the repartition of taxation. One opinion is, that payment to the State should be in numerical proportion to pecuniary means. Others think that justice dictates what they term graduated taxation; taking a higher percentage from those who have more to spare. In point of natural justice a strong case might be made for disregarding means altogether, and taking the same absolute sum (whenever it could be got) from every one : as the subscribers to a mess, or to a club, all pay the same sum for the same privileges, whether they can all equally afford it or not. Since the protection (it might be said) of law and government is afforded to, and is equally required by, all, there is no injustice in making all buy it at the same price. It is reckoned justice, not injustice, that a dealer should charge to all customers the same price for the same article, not a price varying according to

their means of payment. This doctrine, as applied to taxation, finds no advocates, because it conflicts strongly with men's feelings of humanity and perceptions of social expediency; but the principle of justice which it invokes is as true and as binding as those which can be appealed to against it. Accordingly, it exerts a tacit influence on the line of defence employed for other modes of assessing taxation. People feel obliged to argue that the State does more for the rich than for the poor, as a justification for its taking more from them: though this is in reality not true, for the rich would be far better able to protect themselves in the absence of law or government, than the poor, and indeed would probably be successful in converting the poor into their slaves. Others, again, so far defer to the same conception of justice, as to maintain that all should pay an equal capitation tax for the protection of their persons (these being of equal value to all), and an unequal tax for the protection of their property, which is unequal. To this others reply, that the all of one man is as

valuable to him as the all of another. From these confusions there is no other mode of extrication than the utilitarian.

Is, then, the difference between the Just and the Expedient a merely imaginary distinction? Have mankind been under a delusion in thinking that justice is a more sacred thing than policy, and that the latter ought only to be listened to after the former has been satisfied? By no means. The exposition we have given of the nature and origin of the sentiment, recognizes a real distinction; and no one of those who profess the most sublime contempt for the consequences of actions as an element in their morality, attaches more importance to the distinction than I do. While I dispute the pretensions of any theory which sets up an imaginary standard of justice not grounded on utility, I account the justice which is grounded on utility to be the chief part, and incomparably the most sacred and binding part, of all morality. Justice is a name for certain classes of moral rules, which concern

the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life ; and the notion which we have found to be of the essence of the idea of justice, that of a right residing in an individual, implies and testifies to this more binding obligation.

The moral rules which forbid mankind to hurt one another (in which we must never forget to include wrongful interference with each other's freedom) are more vital to human well-being than any maxims, however important, which only point out the best mode of managing some department of human affairs. They have also the peculiarity, that they are the main element in determining the whole of the social feelings of mankind. It is their observance which alone preserves peace among human beings : if obedience to them were not the rule, and disobedience the exception, every one would see in every one else a probable enemy, against whom he must be perpetually guarding himself. What is hardly less important, these are the precepts which

mankind have the strongest and the most direct inducements for impressing upon one another. By merely giving to each other prudential instruction or exhortation, they may gain, or think they gain, nothing : in inculcating on each other the duty of positive beneficence they have an unmistakeable interest, but far less in degree : a person may possibly not need the benefits of others ; but he always needs that they should not do him hurt. Thus the moralities which protect every individual from being harmed by others, either directly or by being hindered in his freedom of pursuing his own good, are at once those which he himself has most at heart, and those which he has the strongest interest in publishing and enforcing by word and deed. It is by a person's observance of these, that his fitness to exist as one of the fellowship of human beings, is tested and decided ; for on that depends his being a nuisance or not to those with whom he is in contact. Now it is these moralities primarily, which compose the obligations of justice. The most marked cases of injustice, and those

which give the tone to the feeling of repugnance which characterizes the sentiment, are acts of wrongful aggression, or wrongful exercise of power over some one; the next are those which consist in wrongfully withholding from him something which is his due; in both cases, inflicting on him a positive hurt, either in the form of direct suffering, or of the privation of some good which he had reasonable ground, either of a physical or of a social kind, for counting upon.

The same powerful motives which command the observance of these primary moralities, enjoin the punishment of those who violate them; and as the impulses of self-defence, of defence of others, and of vengeance, are all called forth against such persons, retribution, or evil for evil, becomes closely connected with the sentiment of justice, and is universally included in the idea. Good for good is also one of the dictates of justice; and this, though its social utility is evident, and though it carries with it a natural human feeling, has not at first sight that obvious connexion with hurt or in-

jury, which, existing in the most elementary cases of just and unjust, is the source of the characteristic intensity of the sentiment. But the connexion, though less obvious, is not less real. He who accepts benefits, and denies a return of them when needed, inflicts a real hurt, by disappointing one of the most natural and reasonable of expectations, and one which he must at least tacitly have encouraged, otherwise the benefits would seldom have been conferred. The important rank, among human evils and wrongs, of the disappointment of expectation, is shown in the fact that it constitutes the principal criminality of two such highly immoral acts as a breach of friendship and a breach of promise. Few hurts which human beings can sustain are greater, and none wound more, than when that on which they habitually and with full assurance relied, fails them in the hour of need ; and few wrongs are greater than this mere withholding of good : none excite more resentment, either in the person suffering, or in a sympathizing spectator. The principle, therefore, of giving to each what they

deserve, that is, good for good as well as evil for evil, is not only included within the idea of Justice as we have defined it, but is a proper object of that intensity of sentiment, which places the Just, in human estimation, above the simply Expedient.

Most of the maxims of justice current in the world, and commonly appealed to in its transactions, are simply instrumental to carrying into effect the principles of justice which we have now spoken of. That a person is only responsible for what he has done voluntarily, or could voluntarily have avoided; that it is unjust to condemn any person unheard; that the punishment ought to be proportioned to the offence, and the like, are maxims intended to prevent the just principle of evil for evil from being perverted to the infliction of evil without that justification. The greater part of these common maxims have come into use from the practice of courts of justice, which have been naturally led to a more complete recognition and elaboration than was likely to suggest itself to others, of the rules necessary



to enable them to fulfil their double function, of inflicting punishment when due, and of awarding to each person his right.

That first of judicial virtues, impartiality, is an obligation of justice, partly for the reason last mentioned ; as being a necessary condition of the fulfilment of the other obligations of justice. But this is not the only source of the exalted rank, among human obligations, of those maxims of equality and impartiality, which, both in popular estimation and in that of the most enlightened, are included among the precepts of justice. In one point of view, they may be considered as corollaries from the principles already laid down. If it is a duty to do to each according to his deserts, returning good for good as well as repressing evil by evil, it necessarily follows that we should treat all equally well (when no higher duty forbids) who have deserved equally well of us, and that society should treat all equally well who have deserved equally well of it, that is, who have deserved equally well absolutely. This is the highest abstract



standard of social and distributive justice; towards which all institutions, and the efforts of all virtuous citizens, should be made in the utmost possible degree to converge. But this great moral duty rests upon a still deeper foundation, being a direct emanation from the first principle of morals, and not a mere logical corollary from secondary or derivative doctrines. It is involved in the very meaning of Utility, or the Greatest-Happiness Principle. That principle is a mere form of words without rational signification, unless one person's happiness, supposed equal in degree (with the proper allowance made for kind), is counted for exactly as much as another's. These conditions being supplies, Bentham's dictum, 'everybody to count for one, nobody for more than one,' might be written under the principle of utility as an explanatory commentary.* The equal claim of everybody to

* This implication, in the first principle of the utilitarian scheme, of perfect impartiality between persons, is regarded by Mr. Herbert Spencer (in his *Social Statics*) as a disproof of the pretensions of utility to be a sufficient guide to right; since (he says) the principle of utility presupposes the anterior principle, that everybody has an equal right to happiness. It

happiness in the estimation of the moralist and

may be more correctly described as supposing that equal amounts of happiness are equally desirable, whether felt by the same or by different persons. This, however, is not a presupposition; not a premise needful to support the principle of utility, but the very principle itself; for what is the principle of utility, if it be not that 'happiness' and 'desirable' are synonymous terms? If there is any anterior principle implied, it can be no other than this, that the truths of arithmetic are applicable to the valuation of happiness, as of all other measurable quantities.

[Mr. Herbert Spencer, in a private communication on the subject of the preceding Note, objects to being considered an opponent of Utilitarianism, and states that he regards happiness as the ultimate end of morality; but deems that end only partially attainable by empirical generalizations from the observed results of conduct, and completely attainable only by deducting, from the laws of life and the conditions of existence, what kinds of action necessarily tend to produce happiness, and what kinds to produce unhappiness. With the exception of the word "necessarily," I have no dissent to express from this doctrine; and (omitting that word) I am not aware that any modern advocate of utilitarianism is of a different opinion. Bentham, certainly, to whom in the *Social Statics* Mr. Spencer particularly referred, is, least of all writers, chargeable with unwillingness to deduce the effect of actions on happiness from the laws of human nature and the universal conditions of human life. The common charge against him is of relying too exclusively upon such deductions, and declining altogether to be bound by the generalizations from specific experience which Mr. Spencer thinks that utilitarians generally confine themselves to. My own opinion (and, as I collect, Mr. Spencer's) is, that in ethics, as in all other branches of scientific study, the consilience of the result, of both these processes, each corroborating and verifying the other, is requisite to give to any general proposition the kind and degree of evidence which constitutes scientific proof.]

the legislator, involves an equal claim to all the means of happiness, except in so far as the inevitable conditions of human life, and the general interest, in which that of every individual is included, set limits to the maxim ; and those limits ought to be strictly construed. As every other maxim of justice, so this, is by no means applied or held applicable universally ; on the contrary, as I have already remarked, it bends to every person's ideas of social expediency. But in whatever case it is deemed applicable at all, it is held to be the dictate of justice. All persons are deemed to have a *right* to equality of treatment, except when some recognized social expediency requires the reverse. And hence all social inequalities which have ceased to be considered expedient, assume the character not of simple inexpediency, but of injustice, and appear so tyrannical, that people are apt to wonder how they ever could have been tolerated ; forgetful that they themselves perhaps tolerate other inequalities under an equally mistaken notion of expediency, the

correction of which would make that which they approve seem quite as monstrous as what they have at last learnt to condemn. The entire history of social improvement has been a series of transitions, by which one custom or institution after another, from being a supposed primary necessity of social existence, has passed into the rank of an universally stigmatized injustice and tyranny. So it has been with the distinctions of slaves and freemen, nobles and serfs, patricians and plebians; and so it will be, and in part already is, with the aristocracies of color, race, and sex.

It appears from what has been said, that justice is a name for certain moral requirements, which, regarded collectively, stand higher in the scale of social utility, and are therefore of more paramount obligation, than any others; though particular cases may occur in which some other social duty is so important, as to overrule any one of the general maxims of justice. Thus, to save a life, it may not only be allowable, but a duty, to steal, or take by force, the necessary

food or medicine, or to kidnap, and compel to officiate, the only qualified medical practitioner. In such cases, as we do not call anything justice which is not a virtue, we usually say, not that justice must give way to some other moral principle, but that what is just in ordinary cases is, by reason of that other principle, not just in the particular case. By this useful accommodation of language, the character of indefeasibility attributed to justice is kept up, and we are saved from the necessity of maintaining that there can be laudable injustice.

The considerations which have now been adduced resolve, I conceive, the only real difficulty in the utilitarian theory of morals. It has always been evident that all cases of justice are also cases of expediency : the difference is in the peculiar sentiment which attaches to the former, as contradistinguished from the latter. If this characteristic sentiment has been sufficiently accounted for ; if there is no necessity to assume for it any peculiarity of origin ; if it is simply

the natural feeling of resentment, moralized by being made coextensive with the demands of social good ; and if this feeling not only does but ought to exist in all the classes of cases to which the idea of justice corresponds ; that idea no longer presents itself as a stumbling-block to the utilitarian ethics. Justice remains the appropriate name for certain social utilities which are vastly more important, and therefore more absolute and imperative, than any others are as a class (though not more so than others may be in particular cases) ; and which, therefore, ought to be, as well as naturally are, guarded by a sentiment not only different in degree, but also in kind ; distinguished from the milder feeling which attaches to the mere idea of promoting human pleasure or convenience, at once by the more definite nature of its commands, and by the sterner character of its sanctions.

THE END.

